

TITLE V: PUBLIC WORKS

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CHAPTER 50: SOLID WASTE, JUNK AND WEEDS

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GENERAL PROVISIONS

§ 50.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED MOTOR VEHICLE. A vehicle that is left on public grounds or town-owned property in violation of a law or ordinance prohibiting parking, is left for longer than 24 hours on property owned or operated by the town, is left for longer than 2 hours on private property without the consent of the owner, occupant, or lessee of the property, or is left for longer than 7 days on public grounds.

GARBAGE. All solid wastes capable of being rapidly decomposed by microorganisms, including but not limited to animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food, as well as animal offal and carcasses, but excluding sewage and human wastes.

JUNKED MOTOR VEHICLES. An abandoned motor vehicle that also is partially dismantled or wrecked, cannot be self-propelled or moved in the manner in which it was originally intended to

move, is more than 5 years old and appears to be worth less than \$500, or does not display a current license plate when the motor vehicle is required by laws of this state to have a license plate to operate on the public roads.

MOTOR VEHICLES. Any machine designed or intended to travel over land or water by self-propulsion or while attached to a self-propelled vehicle.

PUBLIC WORKS DIRECTOR. The Public Works Director or any other person designated by the Manager to perform the functions and exercise the responsibilities assigned by this chapter to the Public Works Director.

REFUSE. All solid wastes except garbage and solids that are dissolved or suspended in domestic, commercial, or industrial waste water effluent.

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SCRAP MATERIALS.

(1) Pieces or fragments of metal, wood, glass, masonry, plastic, textiles, rope, leather, rubber, paper, or any other substance, that formerly were part of the construction of some useful object or thing or that consist of the excess resulting from the creation of some useful object or thing;

(2) Objects or things, including but not limited to machines, tools, equipment, hardware, furniture, appliances, and the like, or parts of the same that are no longer in serviceable condition or are valuable only as raw material for reprocessing; or

(3) Motor vehicles or remnants thereof that do not display current license plates, cannot without substantial repairs be made to operate in the manner originally intended, and are valuable only as raw materials for reprocessing but that do not constitute solid wastes as defined in this section because they are or may be useful to or wanted by or have not been discarded by the person in control of the premises where they have been located.

SOLID WASTES. Wastes that are nongaseous and nonliquid (except that liquid wastes resulting from the processing of food are deemed solid wastes for the purposes of this chapter).

WASTES. All useless, unwanted, or discarded materials resulting from domestic, industrial, commercial or community activities.

(Prior Code, § 11-1)

§ 50.02 ACCUMULATION OF SOLID WASTES.

(A) Subject to the qualifications contained in division (B) of this section, no person may cause, suffer, or permit solid wastes to accumulate or remain on premises under his or her control except in accordance with the provisions of §§ 50.20 through 50.27 of this chapter.

(B) Natural solid waste materials resulting from lawn or garden work, such as bush and tree

trimmings, leaves, grass, stumps, dirt and stones may be allowed to accumulate or remain on premises under a person's control unless these materials become or threaten to become a fire hazard or a harboring place for rats, mice, snakes or other vermin or otherwise pose a danger to the public health or safety.

(Prior Code, § 11-2)

§ 50.03 DUMPING OR LITTERING ON PUBLIC OR PRIVATE PROPERTY.

No person may place, discard, throw, drop, or deposit, or cause to be placed, discarded, thrown, dropped or deposited any solid wastes on any public street or sidewalk within the town or on any property owned or operated by the town or any other public property, except in properly designated

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receptacles, or any property not owned by him or her without the consent of the owner, occupant, or lessee thereof.

(Prior Code, § 11-3) Penalty, see § 50.99

§ 50.04 TRANSPORTATION OF SOLID WASTE WITHIN TOWN.

No person may transport or cause to be transported any solid wastes on the public streets of the town unless the solid wastes are so secured that no solid wastes escape from the transporting vehicle. In addition, any garbage so transported shall be carried in closed containers that prevent the escape of noxious odors or liquids.

(Prior Code, § 11-4) Penalty, see § 50.99

§ 50.05 BURNING OR BURYING SOLID WASTES.

(A) No person may burn or cause to be burned any garbage for purposes of disposal, and no person may burn or cause to be burned any refuse.

(B) No person may bury or cause to be buried any solid waste for purposes of disposal.

(Prior Code, § 11-5) Penalty, see § 50.99

§ 50.06 SCRAP MATERIALS.

The Council hereby declares that the uncontrolled accumulation of scrap materials on any premises constitutes a danger to the health, safety, and welfare of the citizens of the town in that the accumulations can furnish shelter and breeding places for vermin, present physical dangers to the safety and well-being of children and other citizens, pose a danger of fire and depreciate property values or cause a loss of business by detracting from the appearance and character of residential and commercial neighborhoods.

(Prior Code, § 11-6)

§ 50.07 ACCUMULATION OF SCRAP MATERIALS.

No person may cause, suffer, or permit scrap materials to accumulate or remain on premises under his or her control unless the scrap materials are:

(A) Surrounded by a fence of sufficient height, strength, and construction to deny persons, especially small children, access to them and to shield neighboring properties from the view of them;
or

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(B) Are so stored within a structure or within a container outside of a structure as to minimize substantially the dangers set forth in § 50.06.

(Prior Code, § 11-7) Penalty, see § 50.99

§ 50.08 NOXIOUS GROWTH OF VEGETATION.

(A) No person may cause, suffer, or permit on premises under his or her control any growth of weeds, grasses, or other plants or bushes that becomes or threatens to become a fire hazard or a harboring place for rats, mice, snakes or other vermin or otherwise poses a danger to the public health or safety. It shall be the duty of every person occupying, owning or having control of property abutting on a street or highway that utilizes a portion of the unused street or highway right-of-way as a yard or any other use, to maintain the right-of-way in the same character and manner as the abutting use.

(B) Wooded lots, or lots where the terrain does not allow use of necessary, conventional equipment, shall be exempted. Vacant lots located within residential subdivisions, which are adjacent to developed lots and do not meet the preceding standard for exemption must be maintained per the guidelines set forth in this section. Vacant lots which are greater than 1 acre in size and adjacent to developed lots shall be maintained within 50 feet of the shared property line with the developed lot.

(Prior Code, § 11-8) Penalty, see 50.99

SOLID WASTE; STORAGE AND COLLECTION

§ 50.20 RECEPTACLES; PROPERTY OWNERS TO PROVIDE.

The owner of every premises shall be responsible for providing adequate solid waste receptacles

in accordance with this section to store the solid wastes generated by activities taking place on those premises between scheduled pickups.

(Prior Code, § 11-16)

§ 50.21 RECEPTACLES; TYPE REQUIRED.

(A) Every retail, wholesale and commercial establishment generating more than three 30-gallon trash receptacles full of waste materials twice weekly on the regularly scheduled collection days shall be required to utilize the bulk container system. The type and size of the containers shall be subject to the approval of the Director of Public Works or his or her duly authorized representative.

(B) Every retail, wholesale and commercial establishment not placing refuse at the curb side for collection on the regularly scheduled collection days shall likewise use the bulk container system.

(C) Stationary bulk refuse containers for townhouses, apartment complexes, condominiums, or group housing will be required of the owners when adequate garbage container receptacles are not provided for their tenants. Adequate garbage container receptacles shall be defined as masonry receptacles constructed high enough to prevent garbage containers from being overturned by dogs or other animals and large enough for containers having a capacity of not more than 32 gallons.

(D) The owners of residential apartment buildings or of a group of resident apartment buildings in the same complex where there are 4 or more living units, either in a single building or in a complex treated as a unit are hereby required to install for each resident apartment building which contains 4 or more living units, and for each resident apartment group or complex which group or complex contains in the aggregate 4 or more living units, stationary bulk containers according to the following specifications when adequate garbage container receptacles are not provided for their tenants.

(E) The minimum size stationary bulk container for any residential apartment building will be 4 cubic yards. The ratio to be used for units in excess of 8 residents will be one-half cubic yard per unit.

(F) Prior to enforcement of the § 50.20, the Town Manager shall give written notice to the property owner stating the problem and giving same 15 days to provide adequate garbage container receptacles for his or her tenants. At the expiration of the 15-day period, the Town Manager or their assign, may require respective property owner to install stationary bulk containers.

(G) The term "bulk container," for the purposes of this division, shall mean a metal container of not less than 4 cubic yards nor more than 8 cubic yards in capacity. The container shall be of tight construction with doors opening on the sides or top and constructed so that it can be serviced by the town equipment or a company contracted by the town. The term "dumpster" is used interchangeably with the term bulk container.

(H) Unless otherwise determined by the Public Works Director for good cause shown, the owners of all premises not required to be served by dumpsters shall provide at least one 30-32 gallon container made of galvanized metal, plastic, rubber, or other material resistant to rust, corrosion, or rapid deterioration. Each required container shall be water-tight and provided with handles and a tight fitting cover.

(Prior Code, § 11-17)

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§ 50.22 PREMISES SERVED BY DUMPSTERS; STORAGE AND COLLECTION PRACTICES.

With respect to premises served by dumpsters:

(A) The location of dumpsters shall be determined by the Public Works Director after consultation with the owner of the premises concerned. In making this determination, the Public Works Director shall consider the needs of the occupants of the premises, the welfare of the occupants and neighbors, and the town's need to facilitate collection and minimize the cost of service.

(B) Solid waste shall be collected from the dumpsters by the town or the town's contractor.

(C) The Public Works Director may require that screening be provided around dumpsters if he or she determines that the screening is necessary to prevent solid wastes from being transported onto neighboring properties or if the location of the dumpsters is such that, in the absence of screening, the dumpsters would present an offensive appearance or cause offensive odors to be transmitted to neighboring properties.

(D) All solid wastes shall be stored in dumpsters pending collection. No solid wastes not placed in dumpsters will be collected by the town, except in accordance with § 50.24.

(E) All dumpsters shall be cleaned periodically to minimize offensive odors, and the tops or openings to all dumpsters shall be kept securely fastened at all times pending collection.

(Prior Code, § 11-18) Penalty, see 50.99

§ 50.23 PREMISES NOT SERVED BY DUMPSTERS; STORAGE AND COLLECTION PRACTICES.

With respect to premises not served by dumpsters:

(A) Garbage may be stored pending collection only in the receptacles described in § 50.21(H). Refuse may be stored (between scheduled collections only) in any appropriate and convenient fashion.

(B) Except as otherwise provided in this section, solid wastes may not be stored between scheduled pickups within 45 feet of the center line of any public street unless solid wastes are stored within a completely enclosed substantial structure such as a house, garage, or shed.

(C) Solid wastes shall be placed adjacent to the street for collection on the scheduled collection day or after dark on the preceding day. After collection, all solid waste receptacles and all uncollected solid wastes shall be removed to a storage location that complies with division (B) of this section by 6:00 a.m. on the day following the collection day.

(D) If the Public Works Director determines that because of the physical infirmity of the occupant of any premises, the occupant cannot without severe hardship transport the solid wastes from the storage location required by division (B) of this section to the collection point required by division (C) of this section, he or she may do one of the following:

(1) Authorize the occupant to store solid wastes at or near the pickup location between scheduled pickups;

(2) Provide solid wastes receptacles mounted on wheels or otherwise constructed so that the occupant can transport the solid wastes from the point of storage to the point of pickup;

(3) Provide rear-yard pickup service.

(E) Containers other than those described in § 50.21(H) will be treated as solid wastes and collected by the town.

(F) Grass cuttings, hedge clippings, tree trimmings, and similar materials less than 4 inches in diameter and 60 inches in length will be collected by the town as part of the regular collection service if placed in containers or properly bundled to facilitate collection.

(G) Leaves will be collected by the town between November and March on days specified for collection if placed adjacent to the street so that they may easily be handled by the collector. No tree limbs, shrubs, or other material may be mixed with the leaves. At other times during the year, leaves will be picked up as part of the regular collection if prepared in accordance with division (F) of this section.

(H) Containers weighing more than 75 pounds and heavy or bulky items such as tree trunks, tree trimmings, or hedge cuttings more than 60 inches in length or 4 inches in diameter, furniture, and similar items will be collected only in accordance with § 50.24.

(Prior Code, § 11-19) Penalty, see § 50.99

§ 50.24 SPECIAL COLLECTIONS.

Solid wastes that are too bulky or too heavy or too cumbersome to be collected by the town as part of its regular collection service may be collected by the town pursuant to a request made to the Public Works Director and payment of a fee for this service. The fee will be determined by the Public Works Director based upon the nature and amount of the materials to be collected and the estimated time required to perform the service, but in all cases a fee of at least \$25 shall be charged. This fee must be paid in advance of the service. The town reserves the right to refuse any request made pursuant to this section and the failure of the town to provide this service shall not relieve any person of any of the obligations imposed by this chapter.

(Prior Code, § 11-20)

§ 50.25 ROUTES AND SCHEDULES.

The Public Works Director shall establish collection routes and schedules and may alter these routes and schedules from time to time. A copy of the current routes and schedules shall be kept on file in the office of the Town Clerk. Notice of any changes in the routes or schedules shall be published in the local newspaper at least 10 days before the changes are to become effective.

(Prior Code, § 11-22(a))

§ 50.26 DIRECTOR'S DETERMINATION; NOTICE; COMPLIANCE.

Whenever this subchapter authorizes the Public Works Director to make a discretionary determination, all persons affected by that determination shall comply with it within 15 calendar days after receiving written notice of the determination and the reasons for it. Thereafter, a failure on the part of any person receiving such notice to comply with the determination shall constitute a violation of this chapter.

(Prior Code, § 11-22(b))

§ 50.27 INTERFERENCE WITH RECEPTACLES OR SOLID WASTE.

No person may damage, displace, or otherwise interfere with solid waste receptacles or solid wastes stored or prepared for collection except with the consent of the owner, lessee, or occupant of the premises where those receptacles or solid wastes are located.

(Prior Code, § 11-22(c)) Penalty, see § 50.99

ABANDONED AND JUNKED MOTOR VEHICLES

§ 50.50 POLICY.

Abandoned and junked motor vehicles constitute a hazard to the health and welfare of the people of the town in that the vehicles can harbor noxious diseases, furnish shelter and breeding places for vermin, and present physical dangers to the safety and well-being of children and other citizens. It is therefore in the public interest that the present accumulation of abandoned and junked motor vehicles be eliminated and that future abandonment of the vehicles be prevented.

(Prior Code, § 11-26) Penalty, see § 50.99

§ 50.51 REMOVAL.

(A) Subject to division (B) of this section, whenever it is made to appear to appropriate town officials that abandoned or junked motor vehicles exist within town limits, the town may have the vehicles removed to a storage yard or area and thereafter may dispose of them in accordance with the provisions of this subchapter.

(B) No motor vehicle may be removed from private property without the written request of the owner, lessee, or occupant of the premises, except in accordance with §§ 50.72 through 50.75 of this chapter.

(C) The town may require any person requesting the removal of a junked or abandoned motor vehicle from private property to indemnify the town against any loss, expense, or liability incurred because of the removal, storage, or sale thereof.

(Prior Code, § 11-27) Penalty, see § 50.99

§ 50.52 NOTICE.

When any junked or abandoned motor vehicle is removed in accordance with this subchapter, the town shall promptly give written notice of the removal to the owner of the vehicle at his or her last known address, according to the latest registration certificate or certificate of title on file with the State Division of Motor Vehicles, or if the vehicle is not required to be registered, according to the best information reasonably available concerning the owner's last known address. The notice shall inform the owner of the possible sale and disposition that may be made of the vehicle under this subchapter. The notice shall also inform the owner of the possible sale and disposition that may be made of the vehicle under this subchapter. The notice shall also inform the owner that he or she may regain possession of the vehicle by paying to the town or to a towing service operator, as agent of the town, all reasonable costs incidental to the removal and storage of the vehicle.

(Prior Code, § 11-28)

§ 50.53 DISPOSAL OF ABANDONED MOTOR VEHICLES.

(A) After holding an abandoned motor vehicle for 30 days after the day the vehicle is removed, the town may sell or dispose of it as provided in this section. If the vehicle was removed by a private towing operator, as agent of the town, the vehicle may be sold or disposed of as provided by G.S. Chapter 44A.

(B) If the vehicle appears to be worth less than \$500, the town may dispose of it as a junked motor vehicle as provided in § 50.54. With the consent of the owner, the town may remove and dispose of any motor vehicle as a junked motor vehicle, without regard to the value, condition, or age of the vehicle, and without holding it for any prescribed period of time.

(C) If the vehicle is worth \$500 or more, it shall be sold at public auction. Twenty days' written notice of the sale shall be given to the registered owner at his or her last known address, the holders of all liens of record against the vehicle, and the State Division of Motor Vehicles.

(D) Any person having an interest in the vehicle may redeem it at any time before the sale by paying all costs accrued to date.

(E) The proceeds of the sale shall be paid to the Finance Director, who shall pay to the appropriate officers or persons the costs of removal, storage, investigation, sale, and liens of record, in that order.

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The remainder of the proceeds of sale, if any, shall be paid over to the registered owner, or held by the town for 60 days if the registered owner cannot be located with reasonable diligence. If the owner does not claim the remainder of the proceeds within 60 days after the sale, the funds shall be deposited in the town's general fund and the owner's rights shall forever be extinguished.

(F) When it receives a town's bill of sale from a purchaser or other person entitled to receive any vehicle disposed of as provided in this section, the State Division of Motor Vehicles will issue a certificate of title for the vehicle as required by law.

(Prior Code, § 11-29)

§ 50.54 DISPOSAL OF JUNKED MOTOR VEHICLES.

(A) After holding an unclaimed junked vehicle for 15 days, the town may destroy it or sell it at private sale as junk.

(B) Within 15 days after final disposition of a junked motor vehicle, the town shall notify the State Division of Motor Vehicles that the vehicle has been determined to be a junked motor vehicle and disposed of as such. The notice shall contain a simple and accurate description of the vehicle as can be reasonably determined.

(C) Any proceeds from the sale of a junked motor vehicle shall be paid to the Finance Director, who shall pay to the appropriate officers or persons the costs of removal, storage, investigations, sale, and liens of record in that order. The remainder of the proceeds of sale, if any, shall be paid over to the registered owner, or held by the town for 30 days if the registered owner cannot be located with reasonable diligence. If the owner does not appear to claim the proceeds within 30 days after disposal of the vehicle, the money shall be deposited in the town's general fund and the owner's rights forever extinguished.

(Prior Code, § 11-30)

§ 50.55 EXCEPTIONS.

(A) When a vehicle that is required to display a license plate to operate on the public roads of this state does not display a license plate and the vehicle identification numbers have been removed or defaced so as to be illegible, the provisions of §§ 50.52, 50.53 and 50.30 need not be followed, and the vehicles may be destroyed or sold at private sale (without regard to value) after being held for 48 hours.

(B) The provisions of this subchapter shall not apply to any vehicle in an enclosed building or any vehicle on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise, or to any vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the town.

(Prior Code, § 11-31)

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§ 50.56 PUBLIC HEALTH OR SAFETY DANGERS.

Nothing contained in this subchapter shall be construed to limit the authority of the town to effect the removal or abatement of any abandoned or junked motor vehicle, regardless of whether the motor vehicle is located on private property with the consent of the owner, lessee, or occupant thereof, if the motor vehicle is found to constitute a situation dangerous or prejudicial to the public health or safety in accordance with §§ 50.72 through 50.75 of this chapter because it is found to be:

(A) A breeding ground or harbor for mosquitos or other insects, snakes, rats, or other pests;

(B) A point of heavy growth of weeds or other noxious vegetation over 8 inches in height;

(C) A point of collection for pools or ponds of water;

(D) A point of concentration of gasoline, oil, or other flammable or explosive materials;

(E) So located that there is danger of the vehicle's falling or turning over;

(F) A source of danger for children through entrapment in areas of confinement that cannot be opened from the inside or from exposed surfaces of metal, glass, or other materials; or

(G) A danger to the public health or safety for other reasons.

(Prior Code, § 11-32)

ADMINISTRATION AND ENFORCEMENT**§ 50.70 VIOLATIONS RESULTING FROM CONTINUING CONDITIONS.**

(A) Whenever a violation of this chapter results from a continuing condition rather than a discrete event, a written notice shall be sent to the last known address of the responsible person, specifying the nature of the violation and what must be done to correct it, requiring the responsible person to correct the violation within 10 calendar days after delivery of the notice, and informing the responsible person of the possible consequences of his failure to comply.

(B) Whenever a violation of this chapter results from a continuing condition rather than a discrete event, the penalties and remedies provided for in § 50.99 may not be invoked until after the 10-day correction period specified in the section has expired.

(Prior Code, § 11-37)

§ 50.71 INVESTIGATION; NOTICE TO ABATE.

(A) The Town Manager or his or her duly appointed agent, upon notice from any person, or upon their own observation, of the existence of any of the conditions described herein shall cause to be made by the appropriate town official such investigation as may be necessary to determine whether, in fact, such conditions exist as to constitute a public nuisance as declared in such section.

(B) Upon a determination that such conditions constituting a public nuisance exist, the Town Manager or his or her duly appointed agent shall notify, in writing, the owner, occupant, or person in possession of the premises in question of the conditions constituting the public nuisance and shall order the prompt abatement thereof within 15 days from the mailing of the written notice excepting violations of §§ 50.06 through 50.08, which shall have 10 days from the mailing of the written notice. Upon consultation with the offending party, the public official shall be allowed to use their discretion and allow a reasonable extension of the time to abate the nuisance.

(C) After being served a second nuisance warning given for the uncontrolled or noxious growth of vegetation, the property owner shall keep the growth on that property under control for the duration of the growing season without any further warning from the city. If the owner shall fail to keep the growth under control for the remainder of the growing season, the town may mow same or seek other remedies without further warning.

§ 50.72 SUMMARY ABATEMENT.

If the Council concludes, after notice and hearing as provided in §§ 50.72 through 50.75, that any condition or situation prohibited by this chapter or any other condition or situation is dangerous or prejudicial to the public health or safety, it may order town officials to summarily remove, abate, or remedy everything so found within the town limits or within one mile thereof.

(Prior Code, § 11-38)

§ 50.73 NOTICE REQUIRED.

Before the action authorized by § 50.72 is taken, notice shall be sent to the respondent, informing him or her:

(A) What condition or situation is alleged to be dangerous or prejudicial to the public health or safety;

(B) When and where the Council will meet to hold a hearing on the issue of whether the condition cited is dangerous or prejudicial to public health;

(C) That if the Council determines that the cited condition is dangerous or prejudicial to public health or safety, it may order town officials to summarily abate, remedy, or correct the offending condition;

(D) That the expenses incurred by the town in connection with the actions described in division (C) of this section, if not paid by the respondent, shall become a lien upon the land where the offending condition is located, to be collected as unpaid taxes. If after due diligence, the respondent's address cannot be determined, then the notice required by this section shall be posted conspicuously on the offending property not later than 3 days before the scheduled hearing. This notice shall be sent by mail (certified, deliver to addressee only, return receipt requested) not later than 5 calendar days prior to the scheduled hearing or delivered to the respondent by a town officer or employee, not later than 3 days prior to the scheduled hearing. For purposes of this subchapter, the respondent is the person who is responsible for the offending condition, as well as the owner of the property where the offending condition is located, if different from the former.

(Prior Code, § 11-39)

§ 50.74 HEARING PROCEDURES.

At the hearing held pursuant to §§ 50.72 through 50.75, the town administration shall be responsible for presenting sufficient evidence to the Council to substantiate a finding that a condition exists that is dangerous or prejudicial to the public health or safety. The Council may consider all reliable evidence and need not be bound by the strict rules of evidence applicable to courts of law, but all witnesses shall be sworn. The respondent may be represented by counsel and may present evidence. All parties may cross-examine adverse witnesses. At the conclusion of the hearing, the Council shall make findings of fact, state its conclusions, and enter an appropriate order. The Council's findings of fact, conclusion, and order shall be reduced to writing and a copy sent by mail or delivered to the respondent within 3 days following the hearing.

(Prior Code, § 11-40)

§ 50.75 ORDERS.

If the Council concludes that a situation or condition exists that is dangerous or prejudicial to the public health or safety, it may:

(A) Order appropriate town officials or employees to summarily remove, abate, or remedy everything so found and to assess the cost of this action against the respondent in accordance with § 50.72 of this subchapter; or

(B) Order the respondent to correct the situation within a specified time period and order town officials to abate, correct, or remedy the offending condition if the respondent fails to act within the prescribed time limits.

(Prior Code, § 11-41)

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§ 50.99 PENALTY.

(A) A violation of §§ 50.02, 50.04 through 50.28 of this chapter shall constitute a misdemeanor, punishable as provided in G.S. § 14-4.

(B) A violation of any of the provisions specified in division (A) of this section (as well as § 50.03) shall also subject the offender to a civil penalty of \$50. If the offender fails to pay this penalty within 15 calendar days after being cited for a violation, the penalty may be recovered by the town in a civil action in the nature of debt.

(C) Each day that any violation continues after a person has been notified that such violation exists and that he or she is subject to the penalties specified in divisions (A) and (B) of this section shall constitute a separate offense.

(D) This chapter may also be enforced by any appropriate equitable action, including injunctions or orders of abatement. If charges for the removal or abatement of a public nuisance are not paid within 30 days after the receipt of a statement of charges, the charges shall become a lien upon the land or premises where the public nuisance existed and shall be collected as unpaid taxes.

(E) The town shall notify a chronic violator of any nuisances enumerated herein that, if the violator's property is found to be in violation of this chapter, the town shall, without further notice in the calendar year in which notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. The notice shall be sent by certified mail. A chronic violator is a person who owns property whereupon, in the previous calendar year, the town gave notice of violation at least 3 times under any provision of the public nuisance ordinance, as provided in G.S. § 160A-200.1.

(F) The town may enforce this chapter by any one or any combination of the foregoing remedies.

(Prior Code, § 11-36)

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CHAPTER 51: WASTEWATER

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GENERAL PROVISIONS

§ 51.01 PURPOSE AND POLICY.

(A) This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the Town of Granite Falls, hereafter referred to as the town, and enables the town to comply with all applicable state and federal laws required by the Clean Water Act of 1977, being 33 U.S.C. §§ 1251 et seq. and the General Pretreatment Regulations 40 C.F.R. part 403.

(B) The objectives of this chapter are:

(1) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;

(2) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving water or the atmosphere or otherwise be incompatible with the system;

(3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and

(4) To provide for equitable distribution of the cost of the municipal wastewater system.

(C) This chapter provides for the regulation of direct and indirect contributors to the municipal wastewater system, through:

(1) The issuance of permits to certain non-domestic users;

(2) Through enforcement of general requirements for the other users;

(3) Authorizing monitoring and enforcement activities;

(4) Requiring user reporting; and

(5) Providing for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(D) This chapter shall apply to the town and to persons outside the town, who are, by permit or agreement with the town, users of the town POTW.

(E) This chapter supersedes all other prior sewer use ordinances.

(F) Except as otherwise provided herein, the Water Resources Director shall administer, implement, and enforce the provisions of this chapter.

(Ord. 68, passed 8-6-1990)

§ 51.02 DEFINITIONS.

For the purpose of this chapter, the following words and phrases are defined as follows unless it is apparent from the context that another meaning is intended.

ACT or ***THE ACT***. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §§ 1251 *et seq.*

APPROVAL AUTHORITY. The Director of the Division of Environmental Management of the North Carolina Department of Environmental Health and Natural Resources.

AUTHORIZED REPRESENTATIVE OF AN INDUSTRIAL USER. An authorized representative

of an industrial user may be:

(1) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;

(2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; and/or

(3) A duly authorized representative of the individual designated above if the representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, 5 days at 20 degrees centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).

BUILDING SEWER. A sewer conveying wastewater from the premises of a user to the POTW.

CATEGORICAL STANDARDS. National Categorical Pretreatment Standards or Pretreatment Standard.

COOLING WATER. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

CONTROL AUTHORITY. Refer to the ***APPROVAL AUTHORITY*** defined above, or the Water Resources Director of the town upon approval of the town's pretreatment program.

DIRECT DISCHARGE. The discharge of treated or untreated wastewater directly to the waters of the State of North Carolina.

ENVIRONMENTAL PROTECTION AGENCY or ***EPA.*** The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

GRAB SAMPLE. A sample which is taken from a waste stream on a 1-time basis with no regard to the flow in the waste stream and without consideration of time.

HOLDING TANK WASTE. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

INDIRECT DISCHARGE. The discharge or the introduction of non-domestic pollutants from any source regulated under § 307(B) or (C) of the Act, (33 U.S.C. § 1317), into the POTW (including holding tank waste discharged into the system).

INDUSTRIAL USER. A source of indirect discharge which does not constitute a discharge of pollutants under regulations issued pursuant to § 402, of the Act, (33 U.S.C. § 1342).

INTERFERENCE. The inhibition, or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the POTW's NPDES Permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with § 405 of the Act, (33 U.S.C. § 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), being 42 U.S.C. §§ 6901 et seq., the Clean Air Act, being 42 U.S.C. §§ 7401 et seq., the Toxic Substances Control Act, being 15 U.S.C. §§ 2681 et seq., or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

NATIONAL CATEGORICAL PRETREATMENT STANDARD or CATEGORICAL STANDARD. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with § 307(B) and (C) of the Act (33 U.S.C. § 1347) which applies to a specific category of industrial users.

NATIONAL PROHIBITIVE DISCHARGE STANDARD or **PROHIBITIVE DISCHARGE STANDARD**. Any regulation developed under the authority of 307(B) of the Act and 40 C.F.R. § 403.5.

NEW SOURCE. Any source, the construction of which is commenced after the publication of proposed regulations prescribing a § 307(C) (33 U.S.C. § 1317) Categorical Pretreatment Standards, which will be applicable to the source if the standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM or **NPDES PERMIT**. A permit issued pursuant to § 402 of the Act (33 U.S.C. § 1342), or pursuant to G.S. § 143-215.1 by the state under delegation from EPA.

PERSON. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

PH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

POLLUTION. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

POLLUTANT. Any "waste" as defined in G.S. § 143-213(13) and dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

PRETREATMENT OR TREATMENT. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means, except as prohibited by 40 C.F.R § 403.6(D).

PRETREATMENT PROGRAM. The program for the control of pollutants introduced into the POTW from non-domestic sources which was developed by the town in compliance with 40 CFR § 403.8 and approved by the approval authority as authorized by G.S. § 143-215.3(A)(14) in accordance with 40 C.F.R § 403.11 and as authorized by G.S. § 143-215.3(A)(14).

PRETREATMENT REQUIREMENTS. Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

PUBLICLY OWNED TREATMENT WORKS (POTW). A treatment works as defined by § 212 of the Act, (33 U.S.C. § 1292) which is owned in this instance by the town.

(1) This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment.

(2) For the purposes of this chapter, *POTW* shall also include any sewers that convey wastewaters to the POTW from persons outside the town who are, by contract or agreement with the town, users of the town's POTW.

POTW TREATMENT PLANT. That portion of the POTW designed to provide treatment to wastewater.

SHALL. Mandatory, whereas "*MAY*" is permissive.

SIGNIFICANT INDUSTRIAL USER. Any industrial user of the wastewater disposal system who:

(1) Has a process wastewater flow of 50,000 gallons or more per average work day;

(2) Contributes more than 5% of any design or treatment capacity of the wastewater treatment plant receiving the discharge;

(3) Is required to meet a National Categorical Pretreatment Standard; and/or

(4) Is found by the town, the Division of Environmental Management or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

STANDARD INDUSTRIAL CLASSIFICATION (SIC). A classification pursuant to the Standard

Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987.

STORM WATER. Any flow occurring during or following any form of natural precipitation and resulting therefrom.

SUSPENDED SOLIDS. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

TOXIC POLLUTANT. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA § 307(A) or other Acts.

USER. Any person who contributes, causes or permits the contribution of wastewater into the town's POTW

WASTEWATER. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the POTW.

WATERS OF THE STATE. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

WASTEWATER CONTRIBUTION PERMIT. As set forth in §§ 51.43 through 51.50 of this chapter.

WATER RESOURCES DIRECTOR. The Town of Granite Falls Water Resources Director.
(Ord. 68, passed 8-6-1990)

§ 51.03 ABBREVIATIONS.

The following abbreviations shall have the designated meanings:

l. Liter.

BOD. Biochemical oxygen demand.

C.F.R. Code of Federal Regulations.

COD. Chemical oxygen demand.

EPA. Environmental Protection Agency.

MG. Milligrams.

MG/l. Milligrams per liter.

NPDES. National Pollutant Discharge Elimination System.

SIC. Standard Industrial Classification.

SWDA. Solid Waste Disposal Act, 42 U.S.C. § 6901.

U.S.C. United States Code.

TSS. Total suspended solids.

TKS. Total Kjeldahl Nitrogen.

(Ord. 68, passed 8-6-1990)

§ 51.04 GENERAL DISCHARGE PROHIBITIONS.

(A) No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of POTW.

(B) A user shall not contribute the following substances to any POTW: any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW.

(C) At no time, shall 2 successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than 5% nor any single reading over 10% of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides and any other substances which the town, the state or EPA has notified the user are a fire hazard or a hazard to the system.

(D) These general prohibitions apply to all users of a POTW whether or not the user is a significant industrial user or subject to any national, state, or local pretreatment standards or requirements:

(1) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than 2 inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from the refining or processing of fuel, lubricating oil, mud, glass grinding or polishing wastes.

(2) Any wastewater having a pH less than 5.0, unless the POTW is specifically designed to accommodate the wastewater, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

(3) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed

the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to § 307(A) of the Act.

(4) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

(5) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under § 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, being 42 U.S.C. §§ 6901 et seq.; the Clean Air Act, being 42 U.S.C. §§ 7401 et seq.; the Toxic Substances Control Act, being 15 U.S.C. §§ 2681 et seq.; or state criteria applicable to the sludge management method being used.

(6) Any substance which will cause the POTW to violate its NPDES and/or state disposal system permit or the receiving water quality standards.

(7) Any wastewater with objectionable color not removed in the treatment process, such as but not limited to, dye wastes and vegetable tanning solutions.

(8) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference. No wastewater with a temperature at the introduction into the POTW which exceed 40°C (104°F) unless the POTW treatment plant is designed to accommodate such temperature.

(9) Any pollutants, including oxygen demanding pollutants (BOD, and the like) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than 15 minutes more than 5 times the

average 24-hour concentration, quantities, or flow during normal operation.

(10) Any wastewater containing any radioactive wastes or isotopes of a half-life or concentration as may exceed limits established by the Water Resources Director in compliance with applicable state or federal regulations.

(11) Any wastewater which causes a hazard to human life or creates a public nuisance.

(E) When the Water Resources Director determines that a user(s) is contributing to the POTW any of the above enumerated substances in amounts which may cause or contribute to interference of POTW operation, the Water Resources Director shall:

(1) Advise the user(s) of the potential impact of the contribution on the POTW; and

(2) Develop effluent limitation(s) for the user(s) to protect the POTW from interference.
(Ord. 68, passed 8-6-1990)

§ 51.05 GREASE TRAPS, GRIT TRAPS, OIL TRAPS AND LINT TRAPS.

(A) Grease, grit, oil and lint traps shall be installed when in the opinion of the Water Resources Director they are necessary for the proper handling of liquid waste containing floatable oil, grease, solvents, lint, grit or any other ingredients which can cause or threaten to cause stoppage or impair the efficiency of the utility's wastewater collection system or threaten the safety of its employees.

(1) All traps shall be of a type and capacity approved by the Water Resources Director and be constructed in accordance with applicable building codes.

(2) All traps shall be located as to be readily accessible for cleaning and inspection.

(3) All traps shall be maintained by the user(s) at his, her, or its expense and shall be operated at all times in an efficient manner.

(4) The user(s) shall be responsible for the proper removal and disposal, by appropriate means, of the captured material and shall maintain records of the dates and means of disposal which are subject to inspection and review by the Water Resources Director.

(5) All removal and hauling of the collected material shall be performed by a licensed experienced waste disposal firm.

(B) Every industry, commercial establishment, or institution which serves meals or washes pots, pans, or dishes and has a grease discharge shall install an adequately sized grease trap prior to discharging into the town's wastewater collection system. The Water Resources Director shall determine the need and approve the installation particularly as to size, design, and location.

(C) All new restaurants, laundries, wash racks, vehicle service stations, private multi-user systems, engine or machinery repair shops, and all other facilities that produce grease, grit, oil, lint or other materials shall install the appropriate approved trap during initial construction.

(D) Existing industry, commercial establishments, or institutions required to install interceptor traps shall:

(1) Install the trap within 3 months after the initial requirement date set forth by the Water Resources Director.

(2) Within 30 days after completion, provide the Water Resources Director an affidavit that the establishment has complied with the above.

(E) Grease and other interceptor traps shall not be required for private living quarters or dwelling units.

(F) Any establishment that fails to comply with the provisions and requirements of this section shall be subject to enforcement action within this chapter.

(Am. Ord. 193, passed 2-5-2001)

§ 51.06 FEDERAL CATEGORICAL PRETREATMENT STANDARDS.

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that sub-category, shall immediately supersede the limitations imposed under this chapter. The Water Resources Director shall notify all affected users of the applicable reporting requirements under 40 C.F.R. § 403.12.

(Ord. 68, passed 8-6-1990)

§ 51.07 SPECIFIC POLLUTANTS LIMITATIONS.

(A) Unless authorized by a permit issued under §§ 51.43 through 51.51 of this chapter, no person shall discharge wastewater containing pollutants at levels which exceed the levels associated with domestic sewage.

(B) For the following parameters exceeding domestic sewage levels shall mean in excess of:

0.003	mg/l arsenic
250	mg/l BOD
0.003	mg/l cadmium

700	mg/l COD
0.061	mg/l copper
0.041	mg/l cyanide
0.049	mg/l lead
0.0003	mg/l mercury
0.021	mg/l nickel
25	mg/l nitrogen, ammonia
100	mg/l oil and grease

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0.0025	mg/l phenol
0.0082	mg/l toluene
0.005	mg/l silver
40	mg/l TKN
0.05	mg/l total chromium
250	mg/l TSS
0.175	mg/l zinc

(C) Domestic sewage levels for pollutants not listed above shall be determined by the Water Resources Director and shall be based on either actually measured local domestic sewage levels or literature values.

(Ord. 68, passed 8-6-1990) Penalty, see § 51.99

§ 51.08 STATE REQUIREMENTS.

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this chapter.

(Ord. 68, passed 8-6-1990)

§ 51.09 RIGHT OF REVISION.

The town reserves the right to establish limitations and requirements which are more stringent than those required by either state or federal regulation.

(Ord. 68, passed 8-6-1990)

§ 51.10 EXCESSIVE DISCHARGE.

(A) No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant specific limitation developed by the town or state.

(B) Dilution may be an acceptable means of complying with some of the prohibitions set forth in § 51.03.

(Ord. 68, passed 8-6-1990)

§ 51.11 ACCIDENTAL DISCHARGE.

(A) Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter.

(B) Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense.

(C) Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the town for review, and shall be approved by the town before construction of the facility.

(D) All existing users shall complete a plan when requested or determined necessary by the Water Resources Director.

(E) No user who commences contribution to the POTW after the effective date of this chapter shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the town.

(F) Review and approval of the plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter.

(G) In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

(H) Within 5 days following an accidental discharge, the user shall submit to the Water Resources Director a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences.

(1) The notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property;

(2) Nor shall the notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or other applicable law.

(I) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge.

(J) Employers shall insure that all employees, who may cause or suffer a dangerous discharge to occur, are advised of the emergency notification procedure.

(Ord. 68, passed 8-6-1990)

2010 S-1 Repl.

*FEES***§ 51.25 PURPOSE.**

It is the purpose of this section to provide for the recovery of costs from users of the town's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the town's schedule of charges and fees.

(Ord. 68, passed 8-6-1990)

§ 51.26 USER CHARGES.

(A) A user charge shall be levied on all users including, but not limited to persons, firms, corporations, or governmental entities that discharge, cause or permit the discharge of sewage into the POTW.

(B) The user charge shall reflect at least the cost of debt service, operation and maintenance (including replacement) of the POTW.

(C) Each user shall pay his, her, or its proportionate cost based on volume of flow.

(D) The Town Manager shall review annually the sewage contributions of users, the total costs of debt service, operation and maintenance of the POTW and will make recommendations to the Town Council for adjustments in the schedule of charges and fees as necessary.

(E) Charges for flow to the POTW not directly attributable to the users shall be distributed among all users of the POTW based upon the volume of flow of the users.

(Ord. 68, passed 8-6-1990)

§ 51.27 SURCHARGES.

(A) All industrial users of the POTW are subject to industrial waste surcharges on discharges which exceed the levels set forth in § 51.04 of this chapter.

(B) The amount of surcharge will be based upon the mass emission rate (in pounds per day) discharged above the levels listed above. The amount charged per pound of excess will be set forth in the Schedule of Charges and Fees.

(C) The volume of flow used in determining the total discharge of wastewater for payment of user charges and surcharges shall be based on the following:

(1) Metered water consumption as shown in the records of meter readings maintained by the town; or

(2) If required by the town or at the individual discharger's option, other flow monitoring devices which measure the actual volume of wastewater discharged to the sewer.

(a) Devices shall be accessible and safely located, and the measuring system shall be installed in accordance with plans approved by the town.

(b) The metering system shall be installed and maintained at the user's expense according to arrangements that may be made with the town.

(c) Where any user procures all or part of his, her, or its water supply from sources other than the town, the user shall install and maintain at his, her, or its own expense a flow measuring device of a type approved by the town.

(D) The character and concentration of wastewater used in determining surcharges shall be determined by samples collected and analyzed by the town. Samples shall be collected in a manner as to be representative of the actual discharge, and shall be analyzed using procedures set forth in 40 C.F.R. part 136.

(E) The determination of the character and concentration of wastewater discharge by the Water Resources Director or his or her duly appointed representatives shall be binding as a basis for charges.

(Ord. 68, passed 8-6-1990)

§ 51.28 PRETREATMENT PROGRAM ADMINISTRATION CHARGES.

The schedule of charges and fees adopted by the town may include charges and fees for:

(A) Reimbursement of costs of setting up and operating the pretreatment program;

(B) Monitoring, inspections and surveillance procedures;

(C) Reviewing accidental discharge procedures and construction plans and specifications;

(D) Permitting; and

(E) Other fees as the town may deem necessary to carry out the requirements of the pretreatment program.

(Ord. 68, passed 8-6-1990)

*SIGNIFICANT INDUSTRIAL USERS***§ 51.40 WASTEWATER DISCHARGERS.**

It shall be unlawful for any person to connect or discharge to the POTW without first obtaining the permission of the Town of Granite Falls.

(Ord. 68, passed 8-6-1990) Penalty, see § 51.99

§ 51.41 SIGNIFICANT INDUSTRIAL USERS WASTEWATER CONTRIBUTION PERMITS.

(A) All significant industrial users shall obtain a significant industrial user permit prior to the commencement of discharge to the POTW.

(B) Existing industrial users who are determined by the Water Resources Director to be significant industrial users shall obtain a significant industrial user permit within 180 days of receiving notification of the Water Resources Director's determination.

(C) Industrial users who do not fit the significant industrial user criteria may, at the discretion of the Water Resources Director, be required to obtain a wastewater contribution permit for non-significant industrial users.

(Ord. 68, passed 8-6-1990)

§ 51.42 SIGNIFICANT INDUSTRIAL USER DETERMINATION.

(A) All persons purposing to discharge non-domestic wastewater, or purposing to change the volume or characteristics of an existing discharge of non-domestic wastewater shall request from the Water Resources Director a significant industrial user determination.

(B) If the Water Resources Director determines or suspects that the proposed discharge fits the significant industrial user criteria he or she will require that a significant industrial user permit application be filed. (Ord. 68, passed 8-6-1990)

§ 51.43 SIGNIFICANT INDUSTRIAL USER PERMIT APPLICATION.

(A) Users required to obtain a significant industrial user permit shall complete and file with the town an application in the form prescribed by the Water Resources Director, and accompanied by an application fee in the amount prescribed in the schedule of charges and fees.

(B) Significant industrial users shall apply for a significant industrial user permit within 90 days after notification of the Water Resources Director's determination in division (A) above.

(C) In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

(1) Name, address, and location (if different from the address);

(2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1987, as amended;

(3) Analytical data on wastewater constituents and characteristics including but not limited to those mentioned in the general provisions section of this chapter and any of the priority pollutants which the applicant knows or suspects are present in the discharge as determined by a reliable analytical laboratory. Sampling and analysis shall be performed with procedures established by the EPA pursuant to § 304(g) of the Act and contained in 40 C.F.R. part 136, as amended;

(4) Time and duration of contribution;

(5) Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;

(6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;

(7) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;

(8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any town, state, or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;

(9) If additional pretreatment and/or O& M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide additional pretreatment;

(10) Type and amount of raw materials processed (average and maximum per day);

(11) Each product produced by type, amount, process or processes and rate of production;

(12) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system; and

(13) Any other information as may be deemed by the Water Resources Director to be necessary to evaluate the permit application.

(D) The Water Resources Director will evaluate the data furnished by the user and may require additional information.

(Ord. 68, passed 8-6-1990)

§ 51.44 APPLICATION REVIEW AND EVALUATION.

(A) The Water Resources Director is authorized to accept, review and evaluate applications for the town.

(B) Within 30 days of receipt, the Water Resources Director shall acknowledge and accept the completed application; or if not complete, shall return the application to the applicant with a statement of what additional information is required.

(Ord. 68, passed 8-6-1990)

§ 51.45 TENTATIVE DETERMINATION AND DRAFT PERMIT.

(A) The POTW staff shall conduct a review of the application and an on-site inspection of the significant industrial user, including any pretreatment facilities, and shall prepare a written evaluation and tentative determination to issue or deny the significant industrial user permit.

(B) If the staff's tentative determination in division (A) above is to issue the permit, the following additional determinations shall be made in writing:

(1) Proposed discharge limitations for those pollutants proposed to be limited;

(2) A proposed schedule of compliance, including interim dates and requirements for meeting the proposed limitations; and

(3) A brief description of any other proposed special conditions which will have significant

impact upon the discharge described in the application.

(C) The staff shall organize the determinations made pursuant to divisions (A) and (B) above and the town's general permit conditions into a significant industrial user permit.

(Ord. 68, passed 8-6-1990)

§ 51.46 PERMIT SYNOPSIS.

(A) A fact sheet providing a brief synopsis of the application shall be prepared by the POTW staff for submission to the applicant, the approval authority and made available to the public upon request.

(B) The contents of the fact sheets shall include at least the following information:

(1) A sketch or detailed description of the industrial facilities and pretreatment facilities including the location of all points of discharge to the POTW, and all established compliance monitoring points.

(2) A quantitative description of the discharge described in the application which includes at least the following:

(a) The rate or frequency of the proposed discharge or, if the discharge is continuous, the average daily flow;

(b) The actual average daily discharge in pounds per day of any limited pollutant and any pollutant identified in the application as known or suspected present; and

(c) The basis for the pretreatment limitations, including the documentation of any calculations in applying categorical pretreatment standards.

(Ord. 68, passed 8-6-1990)

§ 51.47 HEARINGS.

(A) (1) An applicant whose permit is denied, or is granted subject to conditions he, she, or it deems unacceptable, shall have the right to an adjudicatory hearing. The hearing shall be held before the town Manager who is designated as the hearing officer. The applicant must make written demand identifying the specific issues to be contended to the Town Manager within 30 days following approval or denial of the permit.

(2) Unless the demand is made, the decision on the application shall be final and binding.

(B) Any decision of a hearing officer made as a result of an adjudicatory hearing held under division (A) above may be appealed, to the Town Council upon filing a written demand within 10 days of receipt of notice of the decision with the Town Clerk.

(C) (1) Any user against whom a final order or decision of the Town Council is entered pursuant to the hearing conducted under division (B) above may appeal from the order or decision within 30 days after receipt of notice by registered or certified mail of the order or decision, but not thereafter, to the Superior Court of Caldwell County.

(2) Upon the appeal the town shall send a transcript certified by the Town Council of all testimony and exhibits introduced before the Council, the order or decision, and the notice of appeal to the Superior Court.

(Ord. 68, passed 8-6-1990)

§ 51.48 FINAL ACTION ON PERMIT.

(A) The Water Resources Director shall take final action on all applications not later than 90 days following receipt of a complete application.

(B) The Water Resources Director is authorized to:

(1) Issue a significant industrial user permit containing conditions as are necessary to effectuate the purposes of this chapter and G.S. § 143-215.1;

(2) Issue a significant industrial user permit containing time schedules for achieving compliance with applicable pretreatment standards and requirements;

(3) Modify any permit upon not less than 60 days notice and pursuant to § 51.49 of this chapter;

(4) Revoke any permit pursuant to § 50.99 of this chapter;

(5) Suspend a permit pursuant to § 50.99 of this chapter.

(6) Deny a permit application when in the opinion of the Water Resources Director the discharge may cause or contribute to pass-through or an upset of the wastewater treatment plant or where necessary to effectuate the purposes of G.S. § 143-215.1.

(Ord. 68, passed 8-6-1990)

§ 51.49 PERMIT MODIFICATION.

(A) Modifications of permits shall be subject to the same procedural requirements as the issuance of permits except as follows:

(1) Modifications of the monitoring program contained in the permit;

(2) Changes in the ownership of the discharge when no other change in the permit is indicated;

(3) A single modification of any compliance schedule not in excess of 4 months; and/or

(4) Modification of compliance schedules (construction schedules) in permits for new sources where the new source will not begin to discharge until control facilities are operational.

(B) Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(C) Within 9 months of the promulgation of a national categorical pretreatment standard, the wastewater contribution permit of users subject to the standards shall be revised to require compliance with the standard within the time frame prescribed by the standard.

(D) Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater contribution permit as required by § 51.43, the user shall apply for a wastewater contribution permit within 180 days after the promulgation of the applicable national categorical pretreatment standard.

(E) A request for a modification by the permittee shall constitute a waiver of the 60 day notice required by G.S. § 143-215.1(b) for modifications.

(Ord. 68, passed 8-6-1990)

§ 51.50 PERMIT CONDITIONS, DURATION AND TRANSFER.

(A) The Water Resources Director shall have the authority to grant a permit with conditions attached as he or she believes necessary to achieve the purpose of this chapter and G.S. § 143-215.1.

(B) Conditions shall include but are not limited to the following:

(1) A statement of duration (in no case more than 5 years);

(2) A statement of non-transferability;

(3) Applicable effluent limits based on categorical standards or local limits or both;

(4) Applicable monitoring and reporting requirements;

(5) Notification requirements for sludge discharges as defined by 40 C.F.R. part 403.5(B);

and

(6) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements.

(C) Permits shall be issued for a specified time period, not to exceed 5 years.

(D) A permit may be issued for a period less than a year or may be stated to expire on a specific date.

(E) The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit.

(F) Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned, transferred, or sold to a new owner, new user, different premises, or a new or changed operation.

(Ord. 68, passed 8-6-1990)

§ 51.51 MONITORING FACILITIES.

(A) The town requires the user to provide and operate at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems.

(B) The monitoring facility should normally be situated on the user's premises, but the town may, when a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

(C) There shall be ample room in or near the sampling manhole or facility to allow accurate sampling and preparation of samples for analysis.

(D) The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

(E) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the town's requirements and all applicable local construction standards and specifications.

(F) Construction shall be completed within 90 days following written notification by the town.
(Ord. 68, passed 8-6-1990)

§ 51.52 INSPECTION AND SAMPLING.

(A) The town will inspect the facilities of any user to ascertain whether the purposes of this chapter are being met and all requirements are being complied with.

(B) Persons or occupants of premises where wastewater is created or discharged shall allow the town or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties.

(C) The town, the approval authority and EPA shall have the right to set up on the user's property devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations.

(D) Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the town, the approval authority and EPA will be permitted to enter without delay for the purposes of performing their specific responsibilities.

(Ord. 68, passed 8-6-1990)

§ 51.53 PRETREATMENT.

(A) Users shall provide necessary wastewater treatment as required to comply with this chapter, wastewater contribution permits issued under § 51.43 of this chapter and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the Water Resources Director.

(B) Any facilities required to pretreat wastewater to a level acceptable to the town shall be provided, operated, and maintained at the user's expense.

(C) Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the town for review, and shall be acceptable to the Water Resources Director before construction of the facility.

(D) The review of plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the town under the provisions of this chapter.

(E) Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Water Resources Director prior to the user's initiation of the changes.

(F) The town will annually publish in area newspaper(s) a list of the users which were not in

compliance with any pretreatment requirements or standards at least once during the 12 previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months.

(G) All records relating to compliance with pretreatment standards shall be made available to officials of the approval authority and EPA upon request.

(Ord. 68, passed 8-6-1990)

§ 51.54 CONFIDENTIAL INFORMATION.

(A) Information and data on a user obtained from reports, questionnaires, permit applications, permits, monitoring programs, and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate

to the satisfaction of the Water Resources Director that the release of the information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

(B) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, the National Pollutant Discharge Elimination System (NPDES) permit, state disposal system permit and/or the pretreatment programs. The portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report.

(C) Wastewater constituents and characteristics will not be recognized as confidential information.

(D) Information accepted as confidential, shall not be transmitted to any governmental agency by the town until and unless a 10 day notification is given to the user.
(Ord. 68, passed 8-6-1990)

ADMINISTRATIVE PROCESS REGARDING VIOLATIONS

§ 51.65 NOTIFICATION OF VIOLATION.

(A) Whenever the Water Resources Director finds that any industrial user has violated or is violating this chapter, wastewater contributor permit, or any prohibition, limitation or requirements contained therein, the Water Resources Director may serve upon a person a written notice stating the nature of the violation.

(B) Within 30 days from the date of this notice, a plan for the satisfactory correction thereof shall be submitted to the town by the user.

(C) Submission of this plan does not relieve the discharger of liability for any violations occurring before or after receipts of the notice of violation.
(Ord. 68, passed 8-6-1990)

§ 51.66 CONSENT ORDERS.

(A) The Water Resources Director is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance.

(B) Orders will include specific action to be taken by the discharger to correct the noncompliance within a time period also specified by the order.

(C) Consent orders shall have the same force and effect as an administrative order issued pursuant to § 51.68 below.
(Ord. 68, passed 8-6-1990)

§ 51.67 SHOW CAUSE HEARING.

(A) The Water Resources Director may order any industrial user who causes or is responsible for an unauthorized discharge, has violated this chapter or is in noncompliance with a wastewater contributor permit to show cause why a proposed enforcement action should not be taken.

(B) A notice shall be served on the user specifying the time and place for the hearing, the proposed enforcement action, the reasons for the action, and a request that the user show cause why this proposed enforcement action should not be taken.

(C) The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least 10 days before the hearing. Service may be made on any agent or officer of a corporation.

(D) The Water Resources Director shall review the evidence presented at the hearing and determine whether the proposed enforcement action is appropriate.

(E) The Water Resources Director's final decision shall be to either proceed with the proposed enforcement action or to modify the action.

(F) Modification may include but is not limited to the issuance of an order to the industrial user directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenance shall have been installed and are properly operated.

(G) Further orders and directives as are necessary and appropriate may be issued.
(Ord. 68, passed 8-6-1990)

§ 51.68 ADMINISTRATIVE ORDERS.

When the Water Resources Director finds that discharge violates the prohibitions or effluent limitations of this chapter, or those contained in any permit issued hereunder, the Water Resources Director may issue an order to cease and desist, and direct those persons in noncompliance to:

(A) Comply forthwith;

(B) Comply in accordance with a compliance time schedule set forth in the order; and/or

(C) Take appropriate remedial or preventative action in the event of a continuing or threatened violation.

(Ord. 68, passed 8-6-1990)

§ 51.69 UPSET PROVISION.

(A) Any user which experiences an upset in operations that places the user in a temporary state of noncompliance with this chapter shall inform the **Water Resources Director** thereof immediately following first awareness of the commencement of the upset.

(B) Where information is given orally, a written follow-up report thereof shall be filed by the user within 5 days. The report shall specify:

(1) Description of the upset, the cause thereof and the upset's expected impact on the user's compliance status;

(2) Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance is continuing, the time by which compliance is reasonably expected to occur;

(3) All steps taken or to be taken to reduce, eliminate and prevent recurrence of an upset or other conditions of noncompliance.

(C) A documented and verified operating upset, demonstrated as required by 40 C.F.R. § 403.16(C) shall constitute an affirmative defense to any enforcement action brought by the **Water Resources Director** against the user for any noncompliance with this chapter, or an order or permit issued hereunder, which arises out of violations alleged to have occurred during the period of the upset.

(Ord. 68, passed 8-6-1990)

§ 51.99 PENALTIES.

Penalties for violation of this chapter may include any 1 or combination of the following:

(A) *Emergency suspension.*

(1) The **Water Resources Director** may suspend the wastewater treatment service and/or wastewater permit when suspension is necessary in order to stop an actual or threatened discharge which:

(a) Presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment; and/or

(b) Interferes with the POTW or causes the POTW to violate any condition of its NPDES permit.

(2) Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate the contribution.

(3) A hearing will be held within 15 days of the notice of suspension to determine whether the suspension may be lifted or the user's waste discharge permit terminated.

(4) In the event of a failure of the person to comply voluntarily with the suspension order, the Water Resources Director shall take steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals.

(5) The Water Resources Director shall reinstate the wastewater permit and the wastewater treatment service upon proof of the elimination of the noncompliant discharge.

(6) The industrial user shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Water Resources Director prior to the date of the hearing outlined in division (A) above.

(B) *Termination of permit.* Any user who violates the following conditions of this chapter, or applicable state and federal regulations, is subject to having its permit terminated. Violations may include but are not limited to:

(1) Failure to factually report the wastewater constituents and characteristics of discharge;

(2) Failure to report significant changes in operations, or wastewater constituents and characteristics;

(3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; and/or

(4) Violation of conditions of the permit.

(C) *Civil penalties.* Any user who is found to have failed to comply with any provision of this chapter, or the orders, rules, regulations and permits issued hereunder, shall be fined up to \$1,000 for each offense.

(1) Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

(2) The assessments may be added to the user's next scheduled sewer service charges and the POTW shall have the remedies for the collection of the assessments as it has for collection of other service charges.

(D) *Judicial remedies.* If any person discharges sewage, industrial wastes or other wastes into the wastewater disposal system contrary to the provisions of this chapter or any order or permit issued hereunder, the **Water Resources Director**, through the Town Attorney, may commence an action for appropriate legal and/or equitable relief in the General Court of Justice for Caldwell County.

(E) *Criminal violations.* Any user who is found to have failed to comply with any provision of this chapter, or the orders, rules, regulations and permits issued hereunder, shall be, upon conviction, guilty of a misdemeanor, punishable by a fine or imprisonment or both as provided in G.S. § 14-4.

(F) *Penalty for falsifying information.* Any person who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, upon conviction, be punished by a fine of not more than \$1,000 or by imprisonment for not more than 6 months, or by both.

(G) *Injunctive relief.* Whenever an industrial user is in violation of the provisions of this chapter or an order or permit issued hereunder, the **Water Resources Director**, through the Town Attorney, may petition the General Court of Justice for the issuance of a preliminary or permanent injunction, or both as may be appropriate, which restrains or compels the activities in question.

(1) In the event the POTW chooses to correct the violation itself, the cost of correction may be added to the next scheduled sewer service charge payable by the user(s) causing the violation.

(2) The POTW shall have remedies for the collection of costs as it has for the collection or other sewer service charges.

(H) *Annual publication of reportable noncompliance.* At least annually, the **Water Resources Director** will publish in the largest daily newspaper circulated in the service area, a list of those industrial users which are found to be in significant violation; as defined by § .0903(b)(10) of the NRCD rules, with this chapter or any order or permit issued hereunder, during the 12 month period since the previous publication.

(I) *Water-supply severance.* Whenever an industrial user is in violation of the provisions of this chapter or an order or permit issued hereunder, water service to the industrial user may be severed and service will only recommence, at the user's expense, after it has satisfactorily demonstrated consistent compliance.

(J) *Public nuisances.* Any violation of the prohibitions of effluent limitations of this chapter or contained in a permit or order issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the **Water Resources Director**. Any user(s) creating a public nuisance shall be subject to the provisions of G.S. § 14-4 governing nuisances, including reimbursing the POTW for any costs incurred in removing, abating or remedying said nuisance.

(Ord. 68, passed 8-6-1990)

CHAPTER 52: PUBLIC WATER AND SEWER SYSTEM

Section

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SERVICE REGULATIONS**§ 52.001 APPLICATION FOR SERVICE.**

(A) Application for water and sewer service shall be made at the Granite Falls Town Office between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday excluding holidays.

(B) Application shall be made on the forms prescribed and shall be signed by the owner or occupant of the property or by his or her authorized agent.

(C) Deposits pursuant to § 52.003 are due upon application.
(Prior Code, § 14-1) Penalty, see § 52.999

§ 52.002 REJECTION BY TOWN.

(A) The town shall reject an application for service if there is an outstanding amount due the town for water and sewer service at the applicant's previous address.

(B) Notwithstanding division (A) above, a lessee of a dwelling or structure making an initial application for service at that address shall not be refused service by the town for an outstanding amount owed the town at the location for which he or she is applying for service.

(Prior Code, § 14-2)

§ 52.003 DEPOSIT.

(A) For residential use, a minimum cash deposit shall be required according to the current fee schedule.

(B) For commercial and industrial use, a minimum of an average of 2 month's bills may be required.

(C) In no case shall a deposit be required in excess of 2 months estimated consumption, provided that the town shall have the option on 30 days written notice to require the customer to increase the deposit to twice the amount of the highest monthly bill theretofore rendered.

(D) A separate deposit shall be paid on each installed water meter.

(E) The individual in whose name the deposit is made shall be responsible for the payment of all bills incurred in connection with service furnished.

(F) Interest shall not be paid on the deposit.

(G) The deposit receipt is not negotiable and can be rendered only at the Granite Falls Town Office.

(H) Where the town finds that a request for a deposit refund is questionable, the town may require the applicant to produce the deposit receipt properly endorsed.

(Prior Code, § 14-3)

§ 52.004 RATES.

For rates, see current rate schedule.

(Prior Code, § 14-4)

§ 52.005 SERVICE CHARGE OR MINIMUM CHARGE.

(A) The service or minimum charge, as provided in the rate schedule, shall be made for each meter installed regardless of location.

(B) Each meter requires a separate meter reading sheet, and each meter reading sheet shall cover a separate and individual account.

(C) The minimum charge per meter shall apply as long as service is active.
(Prior Code, § 14-5)

§ 52.006 METER READING, BILLING, AND COLLECTING.

(A) Duly authorized agents of the town shall have access at all reasonable hours to the premises of the customer for the purpose of installing or removing town property, inspecting piping or apparatus, reading or testing meters or for any other purpose in connection with the town's service or facilities.

(B) Application for service shall constitute consent by the customer to access his or her premises for these purposes.

(C) Meters will be read once per month and bills rendered once per month, yet the town reserves the right to vary the length of period covered, temporarily or permanently if necessary or desirable.

(D) Bills for water and sewer service will be figured in accordance with the town's rate schedule then in effect. A charge shall be made for all water passing through the customer's water meter.

(E) Charges for service commence when the meter is installed and connection made, based on consumption from meter reading.

(F) The town shall clearly identify which meter serves which customer when 2 or more meters are installed on the same premises for different customers.

(G) Readings from different meters will not be combined for billing, regardless of the fact that the meters may be for the same or different premises, or for the same or different customers, or for the same or different services.

(H) Provisions regarding bills are as follows:

(1) Bills are due on the fifteenth of the month following the date of billing, and become delinquent thereafter whereupon a late charge of 5% on the unpaid balance will be added.

(2) Bills shall contain notice of a grievance procedure for charges contested by the customer.

(3) The notice shall describe the grievance procedure and the procedure for the town shall follow for termination of service for nonpayment of bills.

(4) Where there are multiple dwelling units on 1 lot, unless separate meters are installed for individual dwelling units, the property owner or landlord shall be responsible for the bill for meters jointly used by 1 or more tenants.

(Prior Code, § 14-6)

§ 52.007 TOWN PROPERTY AND MAINTENANCE THEREOF.

(A) All meters and cut off boxes located before the meters shall be and remain property of the town.

(B) All meters, except as are required to be furnished by particular users of water, shall be left in good repair and working order by the town, and at the expense of the town.

(1) Charges for damage caused to the meter by the customers shall be added to the customer's bill.

(2) Meters furnished by particular users of water shall be kept in good repair and working order by the town, but the expense thereof shall be borne by the users.

(Prior Code, § 14-7)

§ 52.008 METER TESTING.

(A) If the customer believes that a water meter on his or her premises is not registering his or her water consumption accurately, he or she may request a test of the meter by the town.

(B) Charges shall be made for this service pursuant to § 52.004.

(C) The standard for meter accuracy is + or - 2.5%.

(Prior Code, § 14-8)

§ 52.009 INOPERATIVE METER PROCEDURE.

If the seal of the meter is broken by other than the town's representatives or in the event that the meter fails to register the use of water, the customer shall be charged the amount computed using the appropriate following formula for the period in which the meter failed to register:

(A) If the customer has been an occupant at the same location for 3 years or more, he or she shall be charged the current rate based upon the average water consumption for the same month during the previous years of occupancy.

(B) If the customer has been an occupant at the same location for less than 3 years, he or she shall be charged the current rate based upon the average amount of water consumed monthly.
(Prior Code, § 14-9) Penalty, see § 52.999

§ 52.010 PROHIBITED ACTIVITIES.

No unauthorized person may:

(A) Supply or sell water from the town system to other persons;

(B) Carry away water from any hydrant, water fountain, or other outlet without specific authorization from the town;

(C) Manipulate, tamper with, or harm in any manner whatsoever any water line, sewer line, main, or appurtenance or any other part of the public water and sewer system;

(D) Tamper with the water meter so as to alter the true reading for the amount of water consumed; or

(E) Attach or cause to be attached any connection to the waterline before the water meter.
(Prior Code, § 14-10) Penalty, see § 52.999

§ 52.011 TOWN RESPONSIBILITY AND LIABILITY.

The town shall have the following responsibilities and liabilities:

(A) Maintain the water and sewer lines only to the property line of the customer;

(B) Reserve the right to refuse service if there is a cross connection to a private water supply, no backflow protection, or no sewer cleanout;

(C) Assume liability for damage only if the damage results directly from the town's negligence;

(D) Assume no liability for damage done by, or resulting from, any defects in the piping, fixtures, or appliances on the customer's premises; and

(E) Assume no liability for the negligence of third persons.
(Prior Code, § 14-16)

§ 52.012 CUSTOMER RESPONSIBILITIES.

A customer of the town water and sewer system shall have the following responsibilities:

(A) Maintain the piping system on his or her property at his or her expense in a safe and efficient manner:

(1) The town shall not undertake to repair the customer's connections to the water or sewer line until it has been determined that the disrepair, stoppage, or other cause or impediment to the proper functioning of the line exists within the portion of the lateral between the main line and the property line.

(2) If the property owner, or his or her representative claims that the cause of the disturbance or stoppage exists on that portion of the lateral lying between the main line and the property line and an investigation discloses that the cause of the disturbance actually exists in that portion of the line lying between the property line and the structure which is served by the line, the property owner shall pay to the town the actual cost of making the investigation.

(3) If however, upon investigation it is found that the cause of the disturbance or disrepair is in that portion of the line lying between the property line and the main line, the town shall make the repair without additional cost to the property owner.

(B) Guarantee protection for town facilities or equipment;

(C) Pay the cost of relocating town owned facilities and equipment if done at his or her request;

(D) Not make or cause to be made any cross-connection with a private water supply;

(E) Install proper and adequate backflow prevention devices;

(F) Install a pressure reducing valve if deemed necessary by town officials;

(G) Install a sewer cleanout to town specifications;

(H) Be responsible for loss to the town or other persons or property due to his or her negligence; and

(I) Damage to the town will be added to customer charges.

(Prior Code, § 14-17) Penalty, see § 52.999

NON-PAYMENT OF BILLS PROCEDURES

§ 52.025 DISCONNECTION FOR LATE PAYMENT.

(A) It is the policy of the town to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The town's form for application for utility service and all bills shall contain, in addition to the title, address, room

number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

(1) That all bills are due and payable on or before the date set forth on the bill;

(2) That if any bill is not paid by or before that date, a second bill will be mailed containing a cutoff notice that if the bill is not paid within 10 days of the mailing of the second bill, service will be discontinued for nonpayment; and

(3) That any customer disputing the correctness of his bill shall have a right to a hearing at which time he or she may be represented in person and by counsel or any other person of his or her choosing and may present orally or in writing his or her complaint and contentions to the town official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(B) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least 30 days.

(C) When it becomes necessary for the town to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge according to the current fee schedule.

§ 52.026 SCHEDULING OF HEARING.

(A) Upon petition by the customer a date, time, and place for an administrative hearing shall be scheduled to occur not more than 15 days from the date of the petition for hearing.

(B) The customer shall be notified of the date, time and place of the hearing not less than 10 days before the hearing.

(Prior Code, § 14-23)

§ 52.027 SERVICE SUSTAINED IN INTERIM.

(A) While awaiting the hearing and subsequent decision regarding the contested bill, the finance charge pursuant to § 52.006(G)(1) shall not be added, and service will not be terminated.

(B) The customer may refrain from paying the contested bill until the decision of the hearing.

(Prior Code, § 14-24)

§ 52.028 HEARING.

(A) *Rules of evidence.* The administrative hearing shall be conducted by the Town Manager or Finance Director. The Town Manager or Finance Director and the customer shall be given the right to give testimony at the place and time fixed.

(Prior Code, § 14-25)

(B) *Decision of hearing.* After the hearing and if necessary, an investigation of the matter in controversy by the Town Manager or Finance Director, in any event no later than 15 days after the hearing, the Town Manager or Finance Director shall in writing make findings of fact and a decision in the matter. The written decision shall be sent immediately by certified mail to the petitioner.

(Prior Code, § 14-26)

(C) *Decision final.* The decision of the Town Manager or Finance Director shall be final for administrative purposes.

(1) If it is found that an amount is owed to the town by the customer, that amount shall be paid to the town within 10 days of the decision.

(2) If the bill remains unpaid 55 days after the billing date, the town may terminate the service of the customer without further notice.

(Prior Code, § 14-27)

§ 52.029 LESSEE CAN TAKE RESPONSIBILITY FOR PAYMENTS.

(A) Where a lessee occupies a building, structure, or dwelling for which the lessor is responsible for the water and sewer service payments and the lessor is delinquent in his or her payments, notice shall be sent to the lessee within a reasonable time before service is terminated, giving the lessee the option of taking responsibility for water and sewer service payments.

(B) The lessee shall not be liable to the town for the indebtedness of the lessor.

(Prior Code, § 14-28)

§ 52.030 TERMINATION OF SERVICE PROCEDURES.

(A) Water and sewer service termination shall be effected only by authorized agents of the public water and sewer system.

(B) As provided in G.S. § 160A-314, when service is discontinued for delinquency it shall be unlawful for any person other than a duly authorized agent or employee of the town to do any act that results in the resumption of service.

(C) When service is terminated for non-payment of bills, the service application deposit shall be applied to the outstanding bill.

(1) If after applying the deposit to the outstanding bill there are deposit funds remaining, the excess will be refunded to the customer.

(2) If a portion of the bill remains outstanding, the customer shall pay the remaining portion to the utility before service will be reinstated and the town may proceed to collect the balance in the usual way provided by law for the collection of debts.

(D) Before service will be reinstated the customer shall redeposit with the utility an amount equal to his or her application deposit or the delinquent bill, whichever is greater.

(E) A charge for service reinstatement shall be made pursuant to § 52.004.
(Prior Code, § 14-29)

§ 52.031 TERMINATION FOR CHANGE OF OCCUPANCY.

(A) Not less than 3 days notice shall be given in person or in writing at the Granite Falls Town Office to discontinue service for a change in occupancy.

(B) The outgoing party shall be responsible for all water consumed and for pro-rated service up to the time of departure or the time specified for departure, whichever period is longer.

(C) When all charges for service are paid in full, the outgoing party's deposit shall be refunded. The deposit will be refunded pursuant to § 52.003.

(D) Complaints and adjustments shall be resolved pursuant to the hearing procedure of § 52.027.
(Prior Code, § 14-30)

§ 52.032 TERMINATION BY THE TOWN WITHOUT NOTICE.

(A) The town reserves the right to discontinue its service without notice for the following reasons:

- (1) Prevention of fraud or abuse;
- (2) Consumer's willful disregard for service regulations;
- (3) Emergency repairs;
- (4) Insufficient supply beyond the town's control; and/or
- (5) Strike, riot, fire, flood, accident, act of God, or any other unavoidable cause.

(B) The town shall make a good faith effort to notify affected customers before service is terminated.

(C) The customer, by making application for service, agrees to hold the town harmless from liability for any damages which may occur due to termination for the above mentioned causes.
(Prior Code, § 14-31)

CONNECTION TO PUBLIC WATER AND SEWER SYSTEM

§ 52.045 CONNECTION REQUIRED.

(A) Every person, as owner of improved property within the corporate limits of the town, shall be required within 60 days of receipt of notice from the town to install and connect water and sewer pipes to the public water and sewer system unless service is not available as defined in division (B) below.

(B) No connection shall be required to be made to any improved property where service is not available.

(1) For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

NOT AVAILABLE. The building or structure on the property is situated away from existing public water and sewer mains.

(2) In addition, no property owner shall be required to connect to the public water and sewer system if he or she must first purchase an easement in which to install water and sewer pipes.
(Prior Code, § 14-36) Penalty, see § 52.999

§ 52.046 PERMIT FOR CONNECTION REQUIRED.

No person shall connect or be connected with the water or sewer system of the town until they have received a permit for the connection pursuant to § 52.047 and have made an application for service pursuant to § 52.001.
(Prior Code, § 14-37)

§ 52.047 APPLICATION FOR CONNECTION PERMIT.

(A) Every application for a water and sewer connection shall state:

(1) The name of the owner of the lot;

- (2) The name of the street on which the lot is situated;
- (3) The number of the building if there is one on the lot, or if not, a description of the location of the lot;
- (4) The number and kind of the connections desired;
- (5) The character of the surface of the abutting street; and
- (6) Any other additional information necessarily required.

(B) Every application shall be signed by the person making the application.

(C) Every application for connection shall be accompanied by the following fees pursuant to § 52.004:

- (1) Water tap fee;
- (2) Sewer tap fee;
- (3) Any special footage charges, if applicable; and
- (4) Service application deposit.

(D) No permit shall be issued for water and sewer connections until after the Water and Sewer Supervisor has made an on-the-premises inspection of the real property identified on the application and has determined the type of connection required.

(E) After the examination, the Water and Sewer Supervisor shall file a written report of his or her findings with the Town Manager.

(F) In the event that a different type connection is required other than that applied for, any additional fees must be paid by the applicant before a permit may be issued.
(Prior Code, § 14-38) Penalty, see § 52.999

§ 52.048 PERMIT APPLICATION REJECTION.

Upon application for a connection permit, the town may reject the application and decline to provide service for the following reasons:

- (A) Service is not available under the standard rate;
- (B) The cost of service is excessive;

(C) The provision of service to the applicant will adversely affect the supply of water to other customers or will adversely affect the town's sewage treatment capabilities; and/or

(D) Other good and sufficient reasons.
(Prior Code, § 14-39)

§ 52.049 CONSTRUCTION OF CONNECTIONS.

(A) Water and sewer connections are to be constructed simultaneously.

(B) When a permit has been issued by the town for a water and sewer connection to existing lines, the town, either with the use of town forces or by contract shall do the excavating, lay the pipe, install a meter, make the connection (tap-on) to the main, fill the excavation, and replace the surface of the street.

(C) The customer can request that the water meter be placed on his or her premises, however, the final decision for meter placement lies with the town.

(D) Where the meter is placed on the premises of the customer:

(1) The town shall provide a cut-off cable directly before the property line.

(2) The customer shall furnish and maintain a private cut-off cable on his or her side of the meter.

(3) The customer shall provide a suitable location for placing the meter, unobstructed and accessible at all times to the meter reader.

(E) The customer's piping and apparatus shall be installed by a licensed plumber in accordance with all applicable building and plumbing codes, at the customer's expense in accordance with the town's regulations and in full compliance with the sanitary regulations of the State Commission for Health Services.

(F) Piping on the customer's premises shall be so arranged that the connections are conveniently located with respect to the town's mains.
(Prior Code, § 14-40)

§ 52.050 SEPARATE CONNECTIONS REQUIRED FOR EACH LOT.

(A) For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

LOT. A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed, deed of trust or a recorded map, and which is recognized as a separate legal entity for purposes of transfer of title.

(B) There shall be for every lot to which water and sewer service is available:

(1) A separate tap and connection with the water main of the town;

(2) A separate service pipe, tap and meter; and

(3) A separate tap and connection with the sewer main of the town.

(Prior Code, § 14-41)

§ 52.051 SEPARATE METERS REQUIRED FOR NEW IN-GROUND IRRIGATION SYSTEMS.

(A) *Irrigation meter requirement.* All new in-ground irrigation systems installed after July 1, 2009 that will be supplied water from the town water system shall be independently connected to the system and water consumption shall be measured through a separate irrigation meter.

(B) *Methods of connection.* An irrigation service line may be installed by a direct tap into the main (separate tap) or by a split line off the non-irrigation service line at a point between the main and the non-irrigation meter (split tap). The town's Public Works Department shall perform either method of connection if connection is made to an existing, town maintained water line. For all new, private development, the developer shall be responsible for the installation of the irrigation service taps.

(C) *Technical and other requirements.* An irrigation service line, the irrigation meter and all related appurtenances shall be installed in accordance with the same regulations, policies and procedures that apply to non-irrigation meters. The party requesting the service shall pay all tap fees and any other fees that are applicable at the time of the installation. The town shall provide meters for 3/4-inch and 1-inch irrigation service. Larger irrigation meters shall be provided by the requesting party and shall meet the requirements of the town. The town's Water Emergency Response Plan shall govern the use of any irrigation system. (Ord. 266, passed 10-5-2009)

STORM SEWERS

§ 52.065 ENFORCEMENT AND ADMINISTRATION.

The Town Manager and the Public Works Director or their designated appointee is authorized to enforce and administer the provisions of this chapter and other ordinances of the town in connection with storm sewers unless otherwise provided.

(Prior Code, § 14-106)

§ 52.066 PERMIT REQUIRED.

No person shall construct, repair, or alter any pipe line, box, culvert, or any other device or drainage system for the purpose of draining water from any land or premise, either to or from any street or sidewalk in the town, unless he or she shall first have obtained a permit from the approved authority.

(Prior Code, § 14-111)

§ 52.067 PERMIT APPLICATION.

Any person desiring a permit as required in § 52.066 shall file an application with the approving authority.

(Prior Code, § 14-112)

§ 52.068 SPECIFICATIONS FOR CONSTRUCTION.

Construction, alteration, or repair for which a permit is required as provided in § 52.066 together with materials used in connection therewith, shall meet the current standard specifications of the town.
(Prior Code, § 14-113)

§ 52.069 RIGHT OF ENTRY.

In order to provide for more efficient supervision over the condition of the streets and sidewalks and in order that causes contributing or likely to contribute to making streets and sidewalks unsafe for use may be removed and corrected without delay, the Director of Public Works or his or her designated appointee is authorized and empowered to go upon private property for the purpose of inspecting drains, pipes, ducts, and other systems or devices employed to drain surface water.
(Prior Code, § 14-114)

§ 52.070 NOTICE OF LANDOWNER.

If the Director of Public Works finds any storm sewer systems, such as drains, culverts, ducts or other drainage systems, so constructed, arranged, closed or in disrepair as to impede, obstruct, or hinder the free flow of water from any of the streets or sidewalks of the town, he or she shall notify the owner of the premises in which the condition exists to remedy the condition at once so that the obstruction shall be removed and the condition corrected.
(Prior Code, § 14-116)

§ 52.071 DUTY OF LANDOWNER.

Upon the receipt of a notice as provided in § 52.070, it shall be the duty of the landowner in question immediately to cause the condition constituting the subject of the notice to be corrected.
(Prior Code, § 14-117)

§ 52.072 STORM WATER AND SURFACE DRAINAGE.

(A) Storm water and surface drainage shall be admitted only to sewers as are specifically designed as combined sewers or storm sewers.

(B) Unpolluted process and cooling waters may, upon written application and approval of the approving authority, be discharged to storm sewers.
(Prior Code, § 14-107)

§ 52.073 PROHIBITED SUBSTANCES.

It shall be unlawful for any person to empty or deposit in the storm sewer system, directly or indirectly, any substance, liquid or solid, which by reason of its nature:

(A) Is or may become a public health hazard endangering human or animal health;

(B) May create a nuisance, including substances which are unsightly or malodorous or may become so;

(C) May interfere with free and rapid flow of surface water;

(D) Is inflammable or explosive;

(E) May be toxic to plant life and animal life;

(F) May be corrosive or in any other way damage or render unsightly the storm sewer system; or

(G) Affects adversely in any manner the classification of the stream into which the storm sewer system discharges as set by the state system sanitation committee of the state's Department of Water Resources. (Prior Code, § 14-108) Penalty, see § 52.999

§ 52.074 OBSTRUCTING CULVERTS AND SURFACE WATER FROM STREETS.

It shall be unlawful for any person to place any obstruction in any culvert, drain, or public or private storm sewer.

(Prior Code, § 14-109) Penalty, see § 52.999

§ 52.075 OBSTRUCTION OF FREE FLOWING WATER FROM STREETS.

It shall be unlawful for any person to install or maintain any pipes, box, culvert, duct, drain, ditch or any other instrument, equipment or device in a manner or condition as to impair, obstruct, impede, block or hinder the free flow of surface water from the streets of the town.

(Prior Code, § 14-110) Penalty, see § 52.999

§ 52.076 OBSTRUCTION OF FLOW A NUISANCE.

The existence of a condition which obstructs or impedes the free flow of surface water from the streets and sidewalks as set forth in § 52.070 shall constitute a nuisance.

(Prior Code, § 14-115)

WATER EMERGENCY MANAGEMENT

§ 52.100 DEFINITION.

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

WATER EMERGENCY. Any condition or situation which threatens the safety or supply of either treated or potable water within the water supply, treatment or distribution systems of the town or within the systems of the municipal, commercial or industrial customers. The Town Manager or his or her designee shall determine whether specific situations are considered to be emergencies, after consultation with the Mayor, Water Resources Director and Public Works Director. Water emergency situations shall include, but are not limited to, drought, or periods of insufficient raw water supply, and fires of a magnitude, such that system integrity is threatened.

(Ord. 210A, passed 11-4-2002)

§ 52.101 DECLARATION OF WATER EMERGENCY.

The Town Manager, or his or her designee after consultation with the town elected officials and appropriate town staff, shall be authorized to declare that a water emergency exists. Depending on the severity of the emergency, voluntary (level I), mandatory (level II or III) or mandatory (level IV) staged water use restrictions as described in § 52.102 of this subchapter shall be imposed upon customers.

(Ord. 210A, passed 11-4-2002)

§ 52.102 RESTRICTIONS; STAGED WATER USE.

(A) *Level I.* During a declared level I water emergency, the following voluntary water conservation practices shall be encouraged for the public water system served by the town:

(1) Watering of lawns, ornamental plants and gardens shall be limited to that necessary for plant survival only. Water only during off peak hours and a maximum of 1-inch per week (9:00 p.m. through 4:00 a.m.)

(2) Planting of new ornamental plants and seeding of lawns should be deferred until the water emergency situation no longer exists.

(3) Household water should be reutilized to the greatest extent possible.

(4) Use of water for wash down of outside areas such as driveways or parking lots should be curtailed.

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(5) Faucets should not be left running while shaving, brushing teeth or washing dishes.

(6) The use of washing machines and dishwashers should be limited if possible and the units should be operated with full loads when used.

(7) Washing of cars or other vehicles should be held to a minimum. Hoses should not be left running while washing vehicles.

(8) The use of flow restrictors and other water saving devices is encouraged.

(9) Showers should be used for bathing and should be limited to 4 or 5 minutes.

(10) Filling of pools shall be deferred or limited to hours between 9:00 p.m. and 4:00 a.m.

(11) Outside fountains used for advertising and non-essential purposes shall not be allowed.

(12) Any practice listed in this division may be modified or additional practices added at the discretion of the Town Manager after consultation with the Water Resources Director and the Public Works Director.

(B) *Level II*. During a declared level II water emergency, the following mandatory water use restrictions shall be in effect for the public water system served by the town

(1) All voluntary practices listed in division (A) of this section shall be mandatory unless stricter measures are indicated in this section.

(2) No lawn watering is allowed. Flowers, shrubs and trees may be watered using hand-held hoses with spring loaded nozzles between the hours of 7:00 a.m. and 9:00 am and 7:00 pm and 9:00 p.m.

(3) Professional and commercial landscaping, nursery and pressure washing businesses on the town water distribution system may operate using handheld hoses with spring-loaded nozzles.

(4) Planting of new ornamental plants or seeding of lawns shall be deferred until the water emergency no longer exists.

(5) Use of water for washing down of exterior areas, including but not limited to buildings, driveways, and/or parking lots, shall be prohibited unless the requirements for division (B)(5) of this section are met.

(6) Public commercial washing facilities including those providing hand held washing nozzles may continue normal operation. However, the facility owner/operator shall ensure that waste of water does not occur.

(7) Restaurants and other food serving establishments shall serve water only at the request of the patron(s).

(7) Commercial, industrial and construction operations shall eliminate all possible waste of water.

(8) Newly constructed or drained pools shall be filled only on Wednesday or Saturday. A permit must be obtained from the Water Resources Director or the Public Works Director.

(9) Any practice listed in this division may be modified or additional practices added at the discretion of the Town Manager after consultation with the Water Resources Director or the Public Works Director.

(C) *Level III.* During a declared level III water emergency, the following mandatory water use restrictions shall be in effect for the public water system served by the town:

(1) All practices listed in level II and I shall remain in effect unless stricter measures are indicated in this section.

(2) Restaurants and other food serving establishments shall utilize single serving utensils and plates, and serve water only at the patron(s) request.

(3) Any water customer or construction activities utilizing 5,000 or more gallons of water per day shall achieve mandatory reduction in daily water usage of 25%, 50%, or 75% through whatever means available. The target reduction percentage shall be determined by the severity of the water emergency, and shall be publicly announced as part of the emergency declaration. The Water Resources Director shall determine compliance with the daily usage reduction targets. Variances to this restriction may be granted to designated public health facilities including but not limited to hospitals and nursing homes.

(4) Drinking water taps or hydrant permits shall be issued or revoked at the discretion of the Town Manager, Water Resources Director or Public Works Director.

(5) Car lots must request a variance to wash their stock of vehicles.

(6) Residents shall not seed, or re-seed or restart new lawns because only rainwater will be available if the water sources is from the Catawba River Basin.

(7) Any practice listed above may be modified or additional practices added at the discretion of the Town Manager after consultation with the Water Resources Director and the Public Works Director.

(D) *Level IV.* During a declared level IV water emergency, the following mandatory water use restrictions shall be in effect for the public water system served by the town:

(1) All practices listed in level I, II and III shall remain in effect unless stricter measures are indicated in this section.

(2) All use of water for purposes other than maintenance of public safety is prohibited.

(3) Where the town system is functional, daily residential water use shall not exceed 100 gallons at each metered location.

(4) Where the town system is not functional, emergency service vehicles shall be utilized to distribute water for household use at prearranged locations within the affected area. Usage by individuals shall be limited to those amounts necessary to sustain life through drinking, food preparation and personal hygiene.

(5) Water use by industrial and commercial customers may or may not be allowed. This determination will be made by the Town Manager after consultation with elected officials and town staff, in order to assure that supplies are adequate to protect public health, and sustain fire protection.

(6) Any practices listed in this division may be modified or additional practices added at the discretion of the Town Manager after consultation with the Water Resources Director and the Public Works Director.

(Ord. 210A, passed 11-4-2002) Penalty, see § 53.99

§ 52.193 TEMPORARY SUSPENSION OF ZONING CLEARANCE PERMITS OR DIVISION OF LAND.

(A) *Duration.* During a declared mandatory level II, III or IV water emergency, the Town Manager may direct that the issuance of zoning clearance permits and/or divisions of land that involve waterline connections or extensions, or any upgrade in capacity for water usage be temporarily suspended for the duration of the water emergency.

(B) *Exceptions.* Notwithstanding this division, water connections to the water system owned by the town may continue to be made during a declared mandatory water emergency for the following facilities:

- (1) Public schools satisfying compulsory education requirements of the state;
- (2) Public facilities for police, fire or emergency medical services;
- (3) Hospitals;
- (4) Facilities of public utilities regulated by the state.

(C) *Misdemeanor.* It shall be unlawful to make any water service connection, subject to the exceptions set forth in division (B) of this section to the water system owned by the town during the time that zoning clearance permits and/or divisions of land that involve waterline connections or extensions, or any upgrade in capacity for water usage are temporarily suspended; in addition to the civil penalties provided for in § 52.999 of this chapter, any person, firm, or corporation who shall make such connection during such time shall be guilty of a misdemeanor and, upon convictions, shall be punished for a class 3 misdemeanor and shall be fined not more than \$500 as provided in G.S. § 14-4.

(Ord. 210A, passed 11-4-2002) Penalty, see § 53.99

§ 52.104 DISCONTINUANCE OF SERVICE.

Pursuant to the provisions of G.S. § 162A-88 and this section, water service may be temporarily discontinued for willful disregard of this section. All applicable penalty fees may be applied in the event of service suspensions. In the event of continued gross noncompliance with this section, removal of the meter and service will be deemed proper and service will be discontinued. Tap fees and deposits will be forfeited. (Ord. 210A, passed 11-4-2002)

§ 52.105 ADOPTION AND ENFORCEMENT OF SUBCHAPTER.

Municipal customers, water corporations, other municipalities/counties, or companies purchasing water from the town shall adopt and enforce this entire section as a condition of continuing existing water sales agreements. Upon declaration of a water emergency, the municipalities and companies shall enforce the appropriate water use restrictions for the level of declared emergency. Water services to municipalities and companies shall be terminated for not enforcing the provisions of this section. (Ord. 210A, passed 11-4-2002)

§ 52.999 PENALTIES.

(A) The town will seek to enforce this chapter by using any 1 or combination of the foregoing remedies. (Prior Code, § 14-127)

(1) *Disconnection.* Should any person fail to obtain a permit or authorization from the approving authority as required in §§ 52.001, 52.045, and/or 53.21 the approving authority shall, upon 24 hours notice, if the person is using town water, disconnect the connection with the town water system.

(a) The connection will only be restored at the expense of the person.

(b) If the person does not use town water, the person, after 24 hours notice shall have his or her connection with the town sewer system severed, and the severance will only be restored at the person's expense. (Prior Code, § 14-121)

(2) *Non-compliance.* Non-compliance shall result from the failure of any person to comply with any of the provisions of this chapter except those enumerated in division (A) above. (Prior Code, § 14-122)

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(3) *Misdemeanors.* A violation of §§ 52.004, 52.010, 52.074 and/or 52.075 shall constitute a misdemeanor punishable as provided in G.S. § 14-4.
(Prior Code, § 14-123)

(4) *Civil penalties.* A violation of any of the sections listed below shall subject the offender to a civil penalty of the amount corresponding to the section violated. If a persons fails to pay this penalty within 10 days after being cited for a violation, the town may seek to recover the penalty by filing a civil action in the nature of a debt. The civil penalties are as follows:

(a) A penalty of \$250: Violation of § 52.073(D), (E) and/or (F) .

(b) A penalty of \$100: Violation of § 52.073(B), (C) and/or (G).

(c) A penalty of \$75: Violation of § 52.010(C) and/or (D).

(d) A penalty of \$50: Violation of §§ 52.045, 52.010(A), (B), 52.009 and 52.010.

(e) A penalty of \$25: Violation of §§ 52.001, 52.012(A), 52.012(E) and 52.047.

(Prior Code, § 14-124)

(B) The town may seek to enforce this chapter through only equitable actions, including injunctions or orders of abatement.

(Prior Code, § 14-125)

(C) Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense.

(Prior Code, § 14-126)

(1) Violations resulting from continuing conditions rather than a discrete event shall be handled pursuant to § 52.070.

(Prior Code, § 14-128(a))

(2) Whenever a violation of this chapter results from a continuing condition rather than a discrete event, the penalties and remedies provided for in divisions (A)(3), (A)(4)(e), (B) and (C) above may not be invoked until after the 10 day correction period specified in the section has expired.

(Prior Code, § 14-128)

(D) The extraordinary remedy of summary abatement of conditions dangerous or prejudicial to the public health shall be handled pursuant to §§ 52.072 through 52.075.

(Prior Code, § 14-129)

(E) Any person violating the mandatory provisions of §§ 52.100 through 52.105 of this chapter shall be subject to a penalty of \$100 for residential customers and \$500 for commercial/industrial users. Each occurrence of a violation of this section shall be considered a separate violation. Penalties shall be added to the customers water bill. A second violation and/or failure to pay fines shall result in discontinuation of service.

(Ord. 210A, passed 11-4-2002)

CHAPTER 53: WATER AND SEWER EXTENSIONS

Section

Water and Sewer Extensions Within Town Limits

- 53.01 General policy
- 53.02 Caveat
- 53.03 Inapplicability to undeveloped subdivisions and developments
- 53.04 Water mains in dedicated streets only
- 53.05 Sewer main placement; furnishing sewer right of way
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Water and Sewer Extensions Outside Town Limits

- 53.20 Definitions
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- 53.24 Reimbursement

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WATER AND SEWER EXTENSIONS WITHIN TOWN LIMITS

§ 53.01 GENERAL POLICY.

When water or sewer service shall be desired or proposed within the town limits by any property owners or desired or proposed by the town for any property situated where in the street adjacent to the property no water or sewer mains have been laid, the town, subject to the provisions of this chapter, may construct and extend or cause to be constructed or extended its water and sewer mains, including accessory construction as may be required, from the nearest portion of its mains to a point as is necessary to provide the requested or proposed service.

(Prior Code, § 14-51)

§ 53.02 CAVEAT.

The extension of water and sewer mains is subject to the availability of funds appropriated by the Town Council for that purpose, subject to the determination of the Town Manager based upon the criteria in § 52.048, and in the case of sewer mains to the engineering feasibility of the project.
(Prior Code, § 14-52)

§ 53.03 INAPPLICABILITY TO UNDEVELOPED SUBDIVISIONS AND DEVELOPMENTS.

(A) This chapter is inapplicable to the construction of water and sewer mains within subdivisions and industrial or commercial developments as defined in § 53.20 which are in the process of being developed.

(B) Construction of water and sewer facilities within subdivisions and industrial and commercial developments is covered in §§ 53.20 through 53.24.
(Prior Code, § 14-53)

§ 53.04 WATER MAINS IN DEDICATED STREETS ONLY.

(A) Before any water main extension will be made to serve properties inside the corporate limits of the town, the street in question shall be opened, graded, and officially accepted as a part of the town street system, unless otherwise specifically provided by the Board.

(B) Water will not be turned on for use until all street opening requirements have been complied with.
(Prior Code, § 14-54)

§ 53.05 SEWER MAIN PLACEMENT; FURNISHING SEWER RIGHT OF WAY.

(A) Whenever practicable, all sewer main extensions shall conform to the requirements set out in § 53.04 above, except that where the topography makes the placement of sewer mains in dedicated rights-of-way impracticable.

(B) Any rights-of-way or easements that may be required through the property to be served by the town shall be furnished by the persons requesting sewer main extension.

(C) The easements or rights-of-way shall be granted to the town, and shall be of the width as may be determined by the Town Manager, except that rights-of-way across state highways will be obtained by the town.
(Prior Code, § 14-55)

§ 53.06 METHOD OF CONTRACTING.

Water and sewer main extensions, to serve properties within the corporate limits of the town, in which the town participates in the cost, shall be done by town forces or under a contract approved by the town. (Prior Code, § 14-56)

§ 53.07 SPECIFICATIONS.

(A) All installations shall be made according to specifications of the town including the size of all lines, their locations, grade, and materials used.

(B) In order to preserve the road surface the town may install water and sewer lines laterally to undeveloped properties and charge the then current lateral installation fee when connected to the customer's premises. (Prior Code, § 14-57)

§ 53.08 SUBDIVISIONS INSIDE TOWN LIMITS.

(A) The subdivider shall install water and sewer lines of a size and type and in the location as required by the town and its representatives.

(B) Water mains and sanitary sewers shall be installed to the specifications of the town.

(C) The town shall approve the contractor and the contract of the developer.

(D) No sewer mains shall be less than 8 inches in diameter.

(E) No water main shall be less than 6 inches in diameter.

(F) The subdivider shall provide fire hydrants and valves in accordance with the Town Engineer, the Public Works Director, and the Granite Falls Fire Chief's recommendations. (Prior Code, § 14-58)

WATER AND SEWER EXTENSIONS OUTSIDE TOWN LIMITS**§ 53.20 DEFINITIONS.**

For the purpose of this code, the following words and phrases are defined as follows unless it is apparent from the context that another meaning is intended.

INDUSTRIAL OR COMMERCIAL DEVELOPMENT. A development of 2 or more separate and unattached structures intended to contain industrial or commercial business operations where 1 or more lots front on a street that has been offered for dedication and is not then maintained by the town.

SUBDIVISION. A development of 2 or more single family or duplex residences where 1 or more lots front on a street that has been offered for dedication and is not then maintained by the town.
(Prior Code, § 14-61)

§ 53.21 APPROVAL BY TOWN.

(A) When water and sewer connections shall be desired for any property situated outside the corporate limits of the town upon a street, road, or alley where no water or sewer pipe has been installed, or within any yet undeveloped subdivision, industrial, or commercial development inside or outside the corporate limits, water and sewer service may be provided with the approval of the town based in part on the guidelines in § 52.047.

(B) Notwithstanding division (A) above, the town reserves the exclusive right to approve or disapprove any request for extension of water and sewer service to insure that the system develops in accordance with projected need and available supply.
(Prior Code, § 14-62)

§ 53.22 REGULATIONS FOR EXTENSION.

Extensions to the water and sewer system shall be constructed in the following manner:

(A) The owner of property outside the town limits or developers of subdivisions, industrial or commercial property desiring a water and sewer extension within their property may make application to the town for permission to lay pipelines from the town's water or sewer mains to the owner's property.

(B) Application shall be made pursuant to § 52.047(A).

(C) The owner to whom permission is granted shall bear all the expenses of laying the pipes and connecting same with the water and sewer system of the town.

(D) All installation shall meet minimum specifications set by the town. The specifications shall include:

- (1) The size of all lines;
- (2) Their location;
- (3) Grade;
- (4) Materials used;
- (5) Manner of installation; and
- (6) Other specifications deemed necessary by the Public Works Director and Town Engineer.

(E) Construction will not commence until approval has been given by the Public Works Director, Town Engineer, and the Water Resources Director to specifications shown on a detailed map prepared by the applicant and submitted at the time of application for extension of service.

(F) The standard minimum size for new extensions is 6 inches for water and 8 inches for sewer. Smaller water lines (such as short loops) will be permitted only with the express approval of the Town Manager when the lines are not restrictive to necessary free flows or offer impairment to flow of the distribution grid.

(G) Any addition to the system must extend through or by the applicant's property and have adequate provisions for laterals or extensions as required for the future development of the system.

(H) The work shall be subject to inspection by the town.

(I) If in the judgment of the Public Works Director there is a demonstrated lack of competent supervision by a contractor, the Public Works Director may at his or her option:

- (1) Halt work until approved supervision is obtained and the work done in accordance with approved specifications; and/or
- (2) Provide constant inspection by town personnel at the expense of the applicant.

(J) Inspection of a project does not consist of or imply supervision. The applicant is solely responsible for the design and construction of the project and may be required with notice to rearrange or do over any work to bring it into conformity with the town's specifications.

(K) Before any water main extension outside the corporate limits will be permitted to connect to the town's system, the street in which the main is laid shall be opened, graded, and officially accepted as a part of the state street system, unless otherwise specifically provided by the Board. This requirement shall also pertain to the internal water main extensions in subdivisions and industrial or commercial developments being constructed inside the corporate limits, except that the streets in which the mains are laid shall be accepted as a part of the town street system.

(L) Wherever practicable, all sewer main extensions shall conform to the requirements set out in division (F) above, except where the topography makes the placement of sewer mains in dedicated rights-of-way impracticable.

(M) Sewer main right-of-way or easements shall be furnished to the town.

(N) The property owner shall save harmless the town from all loss, cost, damage, liability or expense of any injury to any person or property as a result of laying the extension.

(O) All water and sewer mains constructed and connected with the facilities of the town pursuant to this chapter shall be conveyed to, and become the property of, the town upon completion and acceptance by the town.

(Prior Code, § 14-63)

§ 53.23 CONNECTION TO THE SYSTEM AND ACCEPTANCE BY THE TOWN.

(A) Connection to the system and acceptance by the town shall constitute dedication of a water or sewer main extension by the applicant.

(B) The final connection of the extension to the town system shall be made by the town.

(C) Before connection is made, the availability charge and the meter fee if a meter is installed shall be paid to the town pursuant to § 52.005.

(D) The town shall have exclusive control of all lines and shall be responsible for their maintenance, repair, and operation.

(E) The conveyor of additions to the system shall guarantee the entire project against defective material and workmanship for a period of 12 months from the date of completion and acceptance of the project, including incidental damages as may arise from claims.

(Prior Code, § 14-3)

§ 53.24 REIMBURSEMENT.

(A) Reimbursement may be made to a developer or other applicant for expenses incurred in providing facilities which are subsequently utilized by the town to serve other customers.

(B) No allowance will be made for any lines which are not designed to serve lands outside the applicant's project.

(C) Lines or other system components subject to reimbursement shall be:

(1) Those between a subdivision or project and a facility of the town water and sewer system and which are so sized as to serve other properties.

(a) In this case the maximum reimbursable amount shall be the actual cost of the lines less the amount that the original developer would have had to pay for front footage fees.

(b) Reimbursement is to be made from front footage charges levied against property served directly by the connections, and from availability fees levied against any property developed simultaneously or subsequent to the installation of the initial connection and served by the connection.

(2) Those within a subdivision or project which are of a size in excess of the need of the project itself and are so located to serve other properties. In this case the maximum reimbursable amount shall be only the extra cost incurred by installing lines larger than needed to serve the subdivision or project itself.

(D) The town shall execute a reimbursement agreement with any developer or applicant who finances an extension subject to reimbursement pursuant to this chapter.

(E) The agreement shall be prepared by the town and shall contain a description of the subject water and sewer lines, and describe the conditions under which the developer or applicant may receive a reimbursement from the town. The agreement shall be signed by both parties.

(F) The basis for payment shall be as follows:

(1) The reimbursement shall be based on the actual cost of line construction for those lines installed in excess of the minimum standards, and in which the town has approved the larger line and has made an agreement for payment of the difference between the cost of the minimum required line size and the larger line installed.

(2) No interest on cost pending shall be allowed.

(3) Certified copies of the construction costs shall be presented to the Town Manager and shall be reviewed by the Town Engineer.
(Prior Code, § 14-64)

§ 53.99 PENALTIES.

Violation of provisions contained within this chapter shall make the violator subject to any 1 or combination of penalties contained within § 52.999.

CHAPTER 54: ELECTRIC

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GENERAL PROVISIONS

§ 54.01 DEFINITIONS.

For the purpose of this chapter, the following words and phrases are defined as follows unless it is apparent from the context that another meaning is intended.

APPLICANT. Any person, group of persons, association, partnership, firm or corporation requesting a supply of electricity from the town.

CUSTOMER. Any person, group of persons, association, partnership, firm or corporation purchasing electricity from the town.

DELIVERY POINT. The point where the town's conductors for supplying electricity are connected to the customer's conductors for receiving the electricity, unless otherwise specified in the agreement with the customer for the purchase of electricity.

SUPPLIER. The Town of Granite Falls, North Carolina.
(Prior Code, A § 1.0)

§ 54.02 APPLICATION FOR ELECTRICITY.

(A) The town reserves the right to require the applicant, before any electricity is delivered, to execute an application or agreement for the purchase of electricity in the form used by the town.

(B) Whether or not a written application or agreement is executed, the applicant by accepting the electricity agrees to be bound by the applicable schedule of rates and these terms and conditions as from time to time in effect.

(Prior Code, A § 2.1)

§ 54.03 INSPECTION.

The town will be obligated to supply electricity to an applicant only when the following conditions shall have been complied with:

(Prior Code, A § 3.1)

(A) The applicant's installation shall have been made in accordance with this chapter;
(Prior Code, A § 3.1.1)

(B) (1) The town has received from the applicant, a certificate signed by the County Building Inspection having jurisdiction certifying that the wiring on the premises of the applicant has been installed in compliance with the requirements of the National Board of Fire Underwriters and other requirements as may be fixed by the authority.

(2) All fees or other charges required to be paid in connection with the issuance of certificates shall be borne by the applicant.

(C) Regardless of whether an agreement is executed, the applicant by accepting electricity assumes all liability and risk.
(Prior Code, A § 3.1.2)

(D) Any changes in, or additions to, the original wiring, equipment or appliances of an applicant or customer must be installed in compliance with the requirements of the National Board of Fire Underwriters and other requirements as may be fixed by the local inspection authority having jurisdiction.
(Prior Code, A § 3.2)

(E) In no event shall the town be under any obligation to inspect the wiring, equipment or appliances of an applicant or customer.
(Prior Code, A § 3.3)

§ 54.04 SERVICE CONNECTIONS.

(A) Normally the town will supply and meter at 1 delivery point electricity of the characteristics desired by the customer at the delivery point.
(Prior Code, A § 4.1)

(B) (1) The town will make application for the permits and acquire the easements necessary to build its supply facilities to the property occupied by the applicant or customer.

(2) The applicant or customer will apply for, obtain, and deliver to the town all other permits or certificates necessary to give the town the right to connect its conductors to the applicant's or customer's wiring, and access for all other proper purposes, including an easement from the landowner for the town's facilities.

(3) The town shall not be required to supply electricity until a reasonable time has elapsed after the town has obtained or received all necessary permits, certificates, and easements.
(Prior Code, A § 4.2)

(C) Should any change or changes in the service connection furnished the customer by the town be made necessary by any requirement of public authority, the entire cost of the changes on the customer's side of the delivery point shall be borne by the customer.
(Prior Code, A § 4.3)

(D) Whenever a customer requests the town to supply electricity to a single premises as described in division (D) (1) below in a manner which requires equipment and facilities in excess of those which the town would normally provide, and the town finds it practicable, the excess equipment and facilities may be provided under the following conditions:
(Prior Code, A § 4.4)

(1) Electricity will be supplied only to a single premises consisting of contiguous property not divided by any dedicated public street, road, highway, or alley or by property not owned or leased by the customer.
(Prior Code, A § 4.4.1)

(2) The facilities supplied shall be of a kind and type of transmission or distribution line or substation equipment normally used by or acceptable to the town and shall be installed in a place and manner satisfactory to the town.

(a) All equipment furnished and installed by the town shall be and remain the property of the town.

(b) When excess facilities are provided to supply electricity at more than 1 delivery point, the facilities interconnecting the delivery points shall be located on the customer's premises.
(Prior Code, A § 4.4.2)

(3) The customer agrees to pay the town a monthly facilities charge equal to 1.8% of the estimated new installed cost of all facilities provided by the town in addition to those the town would normally provide to supply electricity to the customer at 1 delivery point. The monthly facilities charge will be in addition to the charge for electricity in accordance with the applicable rate schedule.
(Prior Code, A § 4.4.3)

(4) In lieu of paying the facilities charge as determined under division (D)(3) above, the customer may agree to pay:

(a) A 1-time facilities charge equal to the estimated new installed cost of all facilities provided by the town in addition to those the town would normally provide to supply electricity to the customer at 1 delivery point, and;

(b) A monthly facilities charge equal to 0.69% of the cost.
(Prior Code, A § 4.4.4)

(5) Whenever a customer requests the town to furnish an alternate source of supply that the town would not normally furnish, the facilities charge for the alternative supply facilities shall be calculated as in division (C) above or as provided in this section.

(6) When the facilities used to provide alternate service to a customer are also used to serve other customers, the cost of the facilities shall be included in the calculation of the facilities charge only in the proportion that the capacity reserved for alternate service to the customer bears to the operating capacity of the facilities.
(Prior Code, A § 4.4.5)

(7) All electricity will normally be metered at the voltage delivered to the customer; however, the town reserves the right, where it desires for its own purposes, to meter the electricity on the town's side of the transformer or transformers and adjust for losses.
(Prior Code, A § 4.4.6)

(8) The town shall not be required to make the installations of equipment and facilities in addition to those normally provided until the customer has signed agreements and fulfilled the other conditions as may be required by the town.
(Prior Code, A § 4.4.7)

§ 54.05 LOCATION OF TOWN'S EQUIPMENT.

(A) The town shall have the right to install any poles, lines, transformers, or any other equipment on the property occupied by the customer which, in its judgment, are necessary in supplying electricity to the customer.
(Prior Code, A § 5.1)

(B) The town shall have the right to place its transformers and other apparatus as may be needed in connection with supplying electricity at a convenient point or points on the property or in the building or buildings of the customer.
(Prior Code, A § 5.2)

(C) The customer shall provide suitable space for the installation of the necessary metering apparatus which space shall be:
(Prior Code, A § 5.3)

(1) Substantially free from vibration;
(Prior Code, A § 5.3.1)

(2) An outside location for all residential service with customer supplied meterbases and equipment;

(a) For commercial, industrial, or large residential apartment premises an outdoor location is required with suitable space to accommodate CT and PT cabinets and associated equipment.

(b) The location for metering equipment shall be acceptable to the town.
(Prior Code, A § 5.3.2)

(3) Readily accessible and convenient for reading, testing, and servicing;
(Prior Code, A § 5.3.3)

(4) That apparatus will be protected from injury by the elements or the negligent or deliberate acts of persons;
(Prior Code, A § 5.3.4)

(5) Located and approved by the town prior to wiring installation.
(Prior Code, A § 5.3.5)

(D) All equipment furnished and installed by the town shall be and remain the property of the town.
(Prior Code, A § 5.4)

§ 54.06 CHARACTERISTICS OF ELECTRICITY SUPPLIED.

(A) The town will supply 60 cycle alternating current within the voltage range described as follows:

(1) 120/208 volt, 4-wire, wye.

(2) 277/2480 volt, 4-wire, wye.

(3) 7200/12470 volt, 4-wire, wye.

(B) Other voltages may, at the option of the town, be supplied when requested.
(Prior Code, A § 6.1)

(C) The characteristics at which electricity will be furnished at each installation will be given in writing to the applicant.
(Prior Code, A § 6.2)

(D) To eliminate the possibility of error or loss, the applicant or customer, before purchasing motors or other equipment or undertaking to install wiring, should secure from the town in writing all necessary data relating to the characteristics of the electricity and service connections which will be supplied.
(Prior Code, A § 6.3)

§ 54.07 VOLTAGE.

(A) For the purpose of this chapter, the following words and phrases are defined as follows unless it is apparent from the context that another meaning is intended.

BASE VOLTAGE. The reference level of surface voltage.

MAXIMUM VOLTAGE. The greatest 5 minute mean or average voltage.

MINIMUM VOLTAGE. The least 5 minute mean or average voltage.

(Prior Code, A § 7.4)

(B) The town will endeavor to supply voltage within the following limits, but shall not be liable for its failure to do so.

(Prior Code, A § 7.1)

(1) For electricity supplied for residential service and/or specifically for lighting purposes, the variation from base voltage to minimum voltage will not be more than 5% of the base voltage, and the variation from base voltage to maximum voltage will not be more than 5% of the base voltage.

(Prior Code, A § 7.1.1)

(2) For commercial and industrial electricity supplied for other services, the variation from base voltage to minimum voltage will not exceed 10% of base voltage, and the variation from base voltage to maximum voltage will not exceed 10% of base voltage.

(Prior Code, A § 7.1.2)

(C) Variations in voltages in excess of those specified caused by addition of customer equipment without proper notification to the town, by the operation of customer's equipment, by action of the elements, by infrequent and unavoidable fluctuations of short duration due to system operations, by conditions which are part of practical operations and are of limited extent, frequency and duration, or by emergency operations shall not be construed as a departure from the limits within which the town will endeavor to supply electricity.

(Prior Code, A § 7.2)

(D) Customers shall install and operate their electrical equipment in accordance with the town's terms and conditions.

(Prior Code, A § 7.3)

(E) The standard base service to voltages available from the town are shown in § 54.06.

(Prior Code, A § 7.5)

§ 54.08 SELECTION OF SCHEDULE.

(A) The town, upon request, will provide any applicant or customer with a copy of the rate schedules and terms and conditions under which electricity is supplied.

(Prior Code, A § 8.1)

(B) Each customer will select the particular rate schedule, of those available, under which the customer desires to use electricity.

(1) The town may assist the customer in making this selection but responsibility for the selection rests exclusively with the customer.

(2) The customer shall remain on the rate so selected for a period of at least 12 months.

(Prior Code, A § 8.2)

(C) An investigation will be made by the town, if and when the customer notifies the town in writing of changes in the customer's connected load, demand, operating conditions, or other factors which may affect the selection of the rate schedule, and the customer will be assisted in determining whether a change in schedule is advisable.

(Prior Code, A § 8.3)

(D) The town cannot guarantee that the customer will be served under the most favorable applicable schedule, and no refund will be made by the town to the customer of the difference in the charge made under the schedule chosen and that which would have been made if a more favorable applicable schedule had been chosen and applied.

(Prior Code, A § 8.4)

§ 54.09 DEPOSITS GUARANTEEING CREDIT.

(A) The town will require applicant or customer to deposit with it initially, based on published schedules, as a guarantee of the payment for electricity used, amounts of cash as will secure it from loss, in accordance with the town's customer service policy.

(Prior Code, A § 9.1)

(B) The collection, retention, interest payment, and refund of all deposits shall be in accordance with the town's customer service policy as it may be amended by the town from time to time, for various classes of users.

(Prior Code, A § 9.2)

§ 54.10 METERING AND BILLING.

(A) When meters are installed by the town to measure the electricity used by its customers, all charges for electricity used, except certain minimum charges, shall be calculated from the readings of the meters. (Prior Code, A § 10.1)

(B) Electricity will be furnished through 1 delivery point and 1 set of metering apparatus and will be billed separately on the applicable rate schedule selected by the customer. However, the town reserves the right, where it desires for its own purposes because of the amount or characteristics of electricity required, to install 2 or more sets of metering apparatus, to combine the readings of meters so installed for billing purposes, and to bill these combined readings on the applicable schedule selected by the customer. (Prior Code, A § 10.02)

(C) When 1 or more transformers are installed at 1 delivery point by the town for the town's convenience to supply electricity to a single customer at 1 nominal voltage, the town reserves the right, where it desires for its own purposes because of the amount or characteristics of electricity required, to meter the electricity on the town's side of the transformer or transformers and adjust for losses. (Prior Code, A § 10.03)

(D) Meters in service may be tested by the town, or any other lawfully constituted authority having jurisdiction.

(1) When as the result of a test, a meter is found to be more than 2% fast or slow, no adjustment will be made in the customer's bills.

(2) If the meter is found to be more than 2% fast or slow because of incorrect calibration, the town will rebill the customer for the correct amount as calculated for a period of not more than 6 months. (Prior Code, A § 10.4)

(E) Whenever it is found that, for any reason other than incorrect calibration, the metering apparatus has not registered the true amount of electricity which has been used by the customer, billing adjustments will be made in accordance with North Carolina Utilities Commission Rule R8-44, basically as follows: (Prior Code, A § 10.5)

(1) Overcharge:

(a) Entire interval if it can be determined; statutes of limitations applicable;

(b) If interval cannot be determined, 12 months prior; and/or

(c) Estimate usage and demand if exact usage cannot be determined.
(Prior Code, A § 10.5.1)

(2) Undercharge:

(a) If interval can be determined, town can collect deficient amount for maximum of 150 days, or 12 months if over 50 KW demand.

(b) If interval cannot be determined, town can collect deficient amount for 150 days preceding date billing error discovered or 12 months if over 50 KW demand.

(c) Estimate usage and demand if exact usage cannot be determined.
(Prior Code, A § 10.5.2)

(F) If during the term of agreement for furnishing electricity to a customer the customer is unable to operate his or her facilities, in whole or in part, because of accident, act of God, or fire, occurring at the location where electricity is supplied, the charge for electricity used during the period reasonably necessary to correct any conditions may, in the discretion of the town, be reasonably adjusted in accordance with all pertinent facts and conditions.

(Prior Code, A § 10.6)

§ 54.11 SUBMETERING.

(A) The town will furnish electricity to the customer for the customer's own purposes and only on the premises occupied through ownership or lease by the customer.

(B) Electricity supplied to any customer shall not be resold, but may be furnished to a tenant of the customer only when the charge therefore is included as a part of the rent with no variation on account of the quantity of electricity used by the tenant, except that the customer may, not more frequently than annually, revise the charge prospectively.

(C) The electricity furnished by the town shall not be remetered or submetered by the customer for distribution to a tenant, except that annual checks of a tenant's demand or consumption may be made where necessary to determine prospective revisions of charges.

(Prior Code, A § 11.0)

§ 54.12 PAYMENTS.

(A) The supply of electricity by the town is contingent upon payment of all charges due from the customer, in accordance with town's customer service policy.

(Prior Code, A § 12.1)

(B) The town will render bills to the customer at regular intervals.

(1) Bills are due and payable as of the billing date, but not later than final due date shown on the monthly bill (approximately 15 days from billing date).

(2) The final due date for each town account will be available to the customer at the time service is first rendered, or any time thereafter upon request.

(Prior Code, A § 12.2)

(C) Bills are payable at the office of the town or to any collector or collection agency duly authorized by the town, except that, when discontinuance of service for non-payment has been made, payment must be made at the town office. Payments shall be paid without regard to any setoff or counterclaim whatever.

(Prior Code, A § 12.3)

(D) The town reserves the right to apply any payment or payments made by the customer in whole or in part to any account due the town by the customer in connection with the furnishing of electric service.

(Prior Code, A § 12.4)

§ 54.13 USE OF ELECTRICITY BY CUSTOMERS.

(A) Electricity supplied by the town shall not be used in conjunction with any other source of electricity without previous written notice to and consent of the town, except that whenever the customer has another source of electricity the source may be used only during periods the electricity supplied by the town may fail or be interrupted.

(Prior Code, A § 13.1)

(B) Because the town's facilities used in supplying electricity to the customer have a definite limited capacity and can be damaged by overloads, the customer shall give adequate notice to the town and obtain the town's written consent before making any substantial change in the amount or use of the load connected to the town's service.

(Prior Code, A § 13.2)

(C) (1) The customer shall not use electricity in any manner which will be detrimental to the town's supply of electricity to other customers.

(2) The town reserves the right to, but shall have no duty to, determine the suitability of apparatus or appliances to be connected to its service by the customer, and to refuse to continue to supply electricity if it shall determine that the operation of the apparatus or appliances may be detrimental to its electric system or to the supply of electricity to any other customer.

(Prior Code, A § 13.3)

§ 54.14 CUSTOMER RESPONSIBILITY.

(A) The customer shall be responsible at all times for the safe-keeping of all town property installed on the customer's premises, and to that end shall give no one, except authorized town employees, access to the property.

(Prior Code, A § 14.1)

(B) The customer shall be liable for the cost of repairs or damage to the town property on the customer's premises resulting from the negligence of or misuse by other than the town's employees.

(Prior Code, A § 14.2)

(C) (1) Electricity is supplied by the town and purchased by the customer upon the express condition that after it passes the delivery point it becomes the property of the customer to be used only as herein provided.

(2) The town shall not be liable for loss or damage to any person or property whatsoever, resulting directly or indirectly from the use, misuse, or presence of the said electricity after it passes the delivery point, or for any loss or damage resulting from the presence, character, condition of the wires or equipment of the customer, or for the inspection or repair thereof.

(Prior Code, A § 14.3)

(D) The customer shall be responsible for the maintenance and repair of the customer's wiring and equipment.

(1) Should the customer report trouble with the supply of electricity, the town will endeavor to respond with reasonable dispatch to the call with the purpose only of correcting the trouble as may be in the town's equipment supplying the customer.

(2) The town retains all responsibility only with respect to the action of its employees in connection with property owned by the town.

(Prior Code, A § 14.4)

§ 54.15 RIGHT OF ACCESS.

(A) The town shall have the right of access to the customer's premises at all reasonable times for the purpose of reading meters of the town and of removing its property, and for any other proper purpose in connection with the electric service.

(B) The town shall have the right to discontinue the supply of electricity without notice if access at any reasonable time is not provided.

(Prior Code, A § 15.0)

§ 54.16 DISCONTINUANCE OF SUPPLY.

(A) The town reserves the right to discontinue furnishing electricity to a customer, at any time without notice, in accordance with the town's customer policy and upon the occurrence of any 1 or more of the following events:

(Prior Code, A § 16.1)

(1) Whenever the town in its opinion has reasonable cause to believe that the customer is receiving electricity without paying therefor, or that its meter, wires, or other apparatus have in any manner been tampered with;

(Prior Code, A § 16.1.1)

(2) Whenever in the town's opinion the condition of the customer's wiring, equipment and appliances are either unsafe or unsuitable for receiving electricity or are a potential safety or health hazard to the town's property or personnel or to the public;

(3) When the customer's use of electricity or equipment interferes with or may be detrimental to the town's electric system or to the supply of electricity by the town to any other customer;

(Prior Code, A § 16.1.2)

(4) Where electricity is being furnished over a line which is not owned or leased by the town, whenever in the town's opinion the line is either not in a safe and suitable condition or is inadequate to receive electricity;

(Prior Code, A § 16.1.3)

(5) Whenever the customer has denied an authorized town representative access to the town's meter, wires or other apparatus installed on the customer's premises; and/or

(Prior Code, A § 16.1.4)

(6) Whenever in the opinion of the town it is necessary to prevent fraud upon the town.

(Prior Code, A § 16.1.5)

(B) The town reserves the right to discontinue furnishing electricity to a customer, in accordance with the town's customer service policy, upon the occurrence of either 1 or both of the following events:

(Prior Code, A § 16.2)

(1) For non-payment of past due bills, regardless of any amount of money on deposit with the town or for failure of the customer to make a deposit or guarantee payment of charges or to increase a deposit as required.

(Prior Code, A § 16.2.1)

(2) For failure to comply with any of the town's terms and conditions, or with any of the conditions or obligations of any agreement with the town for the purpose of electricity.

(Prior Code, A § 16.2.2)

(C) The town will discontinue the supply of electricity to a customer whenever requested by any public authority having jurisdiction.
(Prior Code, A § 16.3)

(D) The town reserves the right to discontinue the supply of electricity under any of the above conditions irrespective of any claims of a customer pending against the town, or any amounts of money on deposit with the town as required by § 54.09 of the terms and conditions held within this chapter.
(Prior Code, A § 16.4)

(E) Whenever the supply of electricity is discontinued in accordance herewith, the town shall not be liable for any damages, direct or indirect, that may result from the discontinuance. In all cases where the supply of electricity is discontinued by reason of violation by the customer of any of the provisions hereof or of any agreement with the town for the purchase of electricity, there shall then become due and payable, in addition to the bills in default, an amount equal to the monthly minimum charge for the unexpired term of the agreement, not as a penalty, but in lieu of the income reasonably to be expected during the unexpired term of the agreement.
(Prior Code, A § 16.5)

(F) Whenever the supply of electricity has been disconnected from a residential dwelling (includes apartment and condos), a commercial establishment, or to an industrial customer, the town requires that an inspection of that facility be completed if the electricity has been disconnected for a period of 6 months or longer.

(1) The inspection must be completed by a County Building Inspector.

(2) The town shall bill the customer the expense of the inspection fee.

(3) The building inspection shall certify the structure is eligible for electrical service prior to the connection.
(Prior Code, A § 16.6)

§ 54.17 RECONNECTION OF SUPPLY.

(A) If the supply of electricity has been discontinued for any of the reasons covered by § 54.16, the town shall have a reasonable period of time in which to reconnect the customer's service after the conditions causing discontinuance shall have been corrected.
(Prior Code, A § 17.1)

(B) If the supply of electricity has been discontinued because of improper use, or if, in the town's opinion, its meter or wires or other apparatus have been tampered with, the town may refuse to reconnect the customer's service until the customer shall have:
(Prior Code, A § 17.2)

(1) Paid all delinquent bills;
(Prior Code, A § 17.2.1)

(2) Paid to the town an amount estimated by the town to be sufficient to cover the electricity used but not recorded by the meter and not previously paid for, plus a special reconnection charge in accordance with the current fee schedule.
(Prior Code, A § 17.2.2)

(3) Made the changes in wiring or equipment as may in the opinion of the town be proper for its protection.
(Prior Code, A § 17.2.3)

(C) If the supply of electricity has been discontinued by the town at the request of any public authority having jurisdiction, the customer's service will not be reconnected until authorization to do so has been obtained from the public authority.
(Prior Code, A § 17.3)

(D) If the supply of electricity has been disconnected by the town for non-payment of past due bills, the customer shall be charged the current reconnection fee.
(Prior Code, A § 17.4)

§ 54.18 INTERRUPTION OF SUPPLY.

(A) The town will use its best efforts to furnish an uninterrupted supply of electricity, but it does not undertake to guarantee an uninterrupted supply. Should the supply of electricity fail or be interrupted or become defective for any reason, including but not limited to, an act of God, the public enemy, action by federal, state, county or other public authority, because of accident, or strikes, the town shall not be liable for such failure, interruption or defect.
(Prior Code, A § 18.1)

(B) In the event of a power shortage or an adverse condition or disturbance on the system of the town or any other directly or indirectly interconnected system the town may, without incurring liability, take such emergency action as in the judgment of the town may be necessary.

(1) Emergency action may include, but not be limited to, reduction or interruption of the supply of electricity to some customers or areas in order to compensate for a power supply shortage on the town's system or to limit the extent or duration of the adverse condition or disturbance on the town's system or to prevent damage to the customers' equipment or the town's facilities, or to expedite the restoration of service.

(2) The town may also reduce the supply of electricity to compensate for an emergency condition on an interconnected system.
(Prior Code, A § 18.2)

(C) If the town in good faith believes that, because of civil disorder, riot, insurrection, war, fire, or other conditions beyond the reasonable control of the town in the vicinity of its energized facilities, it is necessary to de-energize a portion of its facilities for the protection of the public, or if ordered by duly constituted public authority so to do, the town may, without incurring liability de-energize its facilities in the vicinity or in the related area as may be practically required.

(D) The town shall not be obligated to furnish electric service through the facilities, but the town shall be prompt and diligent in re-energizing its facilities and restoring its service as soon as it believes, in the exercise of reasonable care for the protection of the public and the employees of the town, that the action can be taken with reasonable safety.

(Prior Code, A § 18.3)

§ 54.19 TESTING FACILITIES AND EQUIPMENT.

(A) The town will contract for and have available laboratory, meter testing shop, standard meters and instruments, and other equipment and facilities as may be necessary to make the tests required by the terms and conditions within this chapter.

(Prior Code, A § 19.1)

(B) Testing instruments and standards may be tested and certified by any approved standardizing laboratory.

(Prior Code, A § 19.2)

§ 54.20 PERIODIC TESTS AND CHECKS.

(A) (1) Single phase alternating current meters in service shall be tested.

(Prior Code, A § 20.1)

(2) A random sampling procedure will be used in the selection of single phase meters for test each year.

(Prior Code, A § 20.1.1)

(B) Polyphase alternating current meters in service shall be tested as follows:

(Prior Code, A § 20.2)

(1) Self-contained polyphase meters up to and including 50 KW rated capacity, shall be tested at least once every 72 months.

(Prior Code, A § 20.2.1)

(2) Self-contained polyphase meters of over 50 KW rated capacity, shall be tested at least once every 72 months.

(Prior Code, A § 20.2.2)

(3) Polyphase meters, connected through current transformers or current and potential transformers, to circuits up to and including 50 KW rated capacity, shall be tested at least once every 72 months.

(Prior Code, A § 20.2.3)

(4) Polyphase meters, connected through current transformers or current and potential transformers, to circuits of over 50 KW rated capacity, shall be tested at least once every 72 months.

(Prior Code, A § 20.2.4)

(B) Meter standards and instruments shall be checked in accordance with standard procedures.

(Prior Code, A § 20.3)

(C) Meter tests requested by customer will be made as follows:

(Prior Code, A § 21.1)

(1) Upon written request by a customer, the town will test his or her meter without charge provided that the tests will not be made more frequently than once in 36 months. If the tests of meters are required by the customer to be made more frequently than once in 36 months, the town will require payment of:

(a) Fifty dollars for single phase meters operating on 240 volts or less, up to and including 30 amperes rated capacity of the meter element.

(b) Fifty dollars for single phase meters with current transformers, and for polyphase meters, with or without instrument transformers.

(2) For each test, refundable only if the percentage registration of the meter exceeds 102%.

(Prior Code, A 21.1.1)

(3) The customer, or his or her representative, may be present when his or her meter is tested.

Upon written request, the customer will be advised of the date and time of the test.

(Prior Code, A § 21.2)

(4) Upon request, a written report of the results of the test will be made to the customer within 10 days after the completion of the test.

(Prior Code, A § 21.3)

§ 54.21 ELECTRIC LINE EXTENSIONS.

The town will make electric overhead line extensions to such points as will provide sufficient continuing revenue to justify the overhead line extensions, or in lieu of sufficient continuing revenue, the town may require definite and written guarantees of revenue from a customer, or group of customers, in addition to any minimum payments required by the rate schedules, as may be necessary to justify overhead line extensions. The town shall not be obligated to construct or own any overhead line

extension or other facilities to provide any customer with electricity, the cost of which shall exceed 4 times the continuing annual revenue, excluding approved fuel charge revenue, that can reasonably be expected by the town from any overhead line extension:

(Prior Code, A § 22.1)

(A) Normally, notwithstanding the provisions specified above, the town will make single phase electric overhead line extensions to residential customers without cost to the customers except that the customer may be required to secure rights-of-way on private property without cost to the town or to assist the town in obtaining rights-of-way.

(B) The town shall be under no obligation to construct the single phase electric overhead extensions unless rights-of-way are so obtained.

(Prior Code, A § 22.2)

(C) The town will provide underground electric service in accordance with § 54.22 of the terms and conditions within this chapter.

(Prior Code, A § 22.3)

(D) If, in the town's opinion, the anticipated revenue from a proposed line extension is temporary, or if the customer or customers to be supplied are unable to establish a credit standing satisfactory to the town, the town reserves the right to determine finally the advisability of making the line extension.

(Prior Code, A § 22.4)

(E) The town shall not be required to make any electric line extension until the customer or customers to be supplied from the line extension have signed the applications or agreements as may reasonably be required by the town and fulfilled other conditions for the connection of electricity as may be reasonably required by the terms and conditions of this chapter, and until all premises to be supplied have been wired ready for service.

(Prior Code, A § 22.5)

(F) The town shall not be required to make any electric line extension on private property until the property owner shall have granted to the town an easement of right-of-way for the construction, operation and maintenance of the line extension.

(Prior Code, A § 22.6)

§ 54.22 TEMPORARY SERVICE.

Upon request of the customer, temporary service shall be supplied under the following conditions:
(Prior Code, A § 23.1)

(A) The Customer shall pay to the town, prior to connection of the service, a temporary service charge which shall be the estimated net cost (including all applicable overhead costs) of installing and

removing the service facilities furnished by the town both on and off the customer's premises, but in no case shall the charge be less than the current fee schedule, except as modified by division (B) below.
(Prior Code, A § 23.1.1)

(B) Where temporary service is furnished at a permanent service location, the temporary service charge will be the net cost to the town, including overhead costs, which is in excess of the estimated cost of furnishing the permanent service, but in no case shall the charge be less than the current fee schedule.
(Prior Code, A § 23.1.2)

(C) The temporary service delivery pole must be located within the following guidelines:
(Prior Code, A § 23.1.3)

(1) In an overhead service area, the location to be determined by the Electric Department.

(2) In an underground service area: the location to be determined by the Electric Department.

(D) In the event facilities are to be installed which will not become part of the permanent installation, the additional charges to the customer will be determined by calculating the installed and removal costs less salvage value.

(E) For the primary portion of the single-phase overhead or underground line extension, to serve a permanently-occupied structure, the town will furnish, at no cost, the least cost overhead or underground service as determined by the town, which is compatible with the customer's requirements and the town's engineering standards. In the event the customer requests other than the least cost overhead or underground service, the customer will pay for the difference in the installed costs and the least cost for installation.
(Prior Code, A § 23.1.2)

§ 54.23 UNDERGROUND ELECTRIC SERVICE.

(A) *Intent.* The intent of this policy is to set forth a developer's installation requirements and an owner's service charges for underground electric distribution systems and services in residential, commercial, and industrial areas; to outline the requirements for individual underground services supplied from existing overhead distribution systems and to provide proper compensation to the town for the differential cost between underground and overhead service.
(Prior Code, A § 24.1)

(B) *Developer's installation requirements for residential subdivisions.* Where a development within the service area of the town is to be subdivided into residential lots and has been approved by the appropriate planning and zoning board, the electrical distribution system will be installed underground at the written request of subdivision developer, provided:

(1) The subdivision developer shall provide the town with a copy of the approved plans of the subdivision and the easements necessary for the most efficient installation of the required distribution system;

(2) The installation will be installed from the final recorded plat or from a preliminary plat upon the written authorization of the developer;

(3) Any charges resulting from redivision of lots will be borne by the developer;

(4) If the subdivision or section to be developed has an average lot frontage not exceeding 125 feet and requires the installation of underground facilities for not more than 50 building lots, the installation will be made using pad-mounted transformers for an amount per lot payable in advance of construction. (See current fee schedule.) If the average lot frontage exceeds 125 feet, the town will determine the exact differential cost for each lot. These charges are in addition to the owner's underground charges;

(5) After at least 2/3 of the initial or previous section of 50 lots have been utilized (construction started), installation of underground facilities using pad-mounted transformers will be made to an additional 50 lots for an amount per lot payable in advance of construction (see current fee schedule);

(6) If the subdivision developer requests installation of underground facilities for more than 50 lots, he or she shall pay to the town prior to installation a non-refundable amount for each lot in excess of 50 (see current fee schedule);

(7) If the subdivision developer requests installation of underground facilities in an additional section before 2/3 of the previous section of 50 lots have been utilized, he or she shall pay to the town prior to installation a non-refundable amount for each lot of the additional section for which installation is requested (see current fee schedule);

(8) If the subdivision developer elects to use pad-mounted transformers, he or she must pay the town in advance of construction a surcharge of an amount per lot in addition to all other charges stated above for an underground electric distribution system (see current fee schedule);

(9) Where 3-phase power is requested by the developer for a special application, the developer shall pay prior to the installation the extra cost of an underground 3-phase system over a single-phase system, as determined by the town; and

(10) Any variance from the requirements above will be referred to the town for consideration. (Prior Code, A § 24.2.1)

(C) *Home owners underground charge.* Home owners or home builders requesting permanent underground electric service for single family dwellings in subdivisions or areas provided with

underground electric distribution systems, or requesting underground service from an overhead distribution system within a subdivision approved by the appropriate planning and zoning commission, shall pay to the town an underground electric service charge at the current rate for each individual service at the time applicable for service.

(1) The underground service connection fee shall be determined by the customer load and location of the electric service.

(2) The town will determine the size of the underground electric service conductors to be installed in accordance with customer's connected electrical load.
(Prior Code, A § 24.2.2)

(D) *Duplex services.* Owners or builders requesting underground electric service for duplex family dwellings shall prior to the installation of underground electric facilities pay to the town, as the differential cost between installation of an underground and overhead single-phase electric systems.
(Prior Code, A § 24.3.1)

(E) *Apartment or condominium complexes.* Owners or builders requesting underground electric service for multi-family dwellings shall, prior to the installation of underground electric facilities, pay to the town as the differential cost between installation of an underground and overhead single-phase electric system and services, at the current rate.

(1) Where 3-phase power is not required for the distribution system, but is requested by the owner or builder for a special application, the complex owner shall pay prior to the installation and in addition to the above stated charges the differential cost of an underground 3-phase system over a single-phase system, as determined by the town.

(2) The owner or builder shall provide the town with the easements necessary for the most efficient installation of the required distribution system.
(Prior Code, A § 24.3.2)

(F) *Mobile homes.* Where a mobile home park has been approved by the appropriate planning and zoning board, the park owner requesting underground electric service shall prior to the installation of underground electric facilities pay to the town, as the differential cost between the installation of an underground and overhead single-phase electric system and services, at the current adopted rate for each mobile home space service to be provided in the mobile home park development.

(1) The town will not be responsible for any maintenance or replacement of these meter pedestals.

(2) Where 3-phase power is not required for the distribution system but is requested by the owner for a special application, the owner shall pay prior to the installation the differential cost of an underground 3-phase system over a single-phase system as determined by the town.

(3) The mobile park owner shall provide the town with the easements necessary for the most efficient installation of the required distribution system.
(Prior Code, A § 24.4.1)

(G) *Non-park mobile services.* Where a mobile home owner requests underground electric service and is not in an approved mobile home park, the owner shall prior to the installation of underground electric facilities pay to the town, as the differential cost between an underground and overhead service, the sum currently adopted for the permanent service. If the total service footage exceeds 225 feet, the town will determine the extra cost for increased service length.

(Prior Code, A § 24.4.2)

(H) *Individual services.* Where a home owner or builder requests underground service for a single-family dwelling and is not in an approved subdivision, the owner shall, prior to the installation of underground electric facilities, pay to the town as the differential cost between an underground and overhead service the sum currently adopted for the permanent service.

(1) If the total service footage exceeds 225 feet, the town will determine the extra cost for increased service length.

(Prior Code, A § 24.5.1)

(2) Where in the opinion of the town a residential service does not meet the above requirements, the town will determine the exact difference in cost for underground to overhead and charge this amount for service.

(Prior Code, A § 24.5.2)

(I) *Existing commercial areas.*

(1) Where the town has on the property an existing overhead or underground electric distribution system in a commercial area, the town will extend underground secondary services for the following costs:

(a) 200 AMPS: see current fee schedule.

(b) 400 AMPS: see current fee schedule.

(c) 600 AMPS: see current fee schedule.

(2) For services larger than 600 amps or greater in length than 125 feet, the differential cost will be calculated individually at the time service is requested.

(3) These charges apply to the existing voltage in the commercial area (either single-phase or 3-phase).

(4) The builder must verify the voltage available to his or her property prior to installation.

(Prior Code, A § 24.6.1)

(J) *Commercial subdivisions.* Where a development within the service area of the town is to be subdivided into commercial lots and has been approved by the appropriate planning and zoning board

and has no existing underground electric distribution system, the electrical distribution system will be installed underground at the written request of the subdivision developer, provided:

(1) The subdivision developer shall provide the town with all easements necessary for the most efficient installation of the required distribution system;

(2) The subdivider's written request shall specify whether 3-phase or single-phase service is to be provided to each lot in the subdivision;

(3) The developer shall pay, in advance of construction, the differential cost between overhead and underground facilities in the street or access area required to make service available to each lot or section; and

(4) Individual services within the subdivision shall be handled as services in an existing commercial area.

(Prior Code, A § 24.6.2)

(K) *Unit development.* This section pertains to developments where all services are installed initially such as shopping centers, industrial sites, office and institutional complexes. Where a development within the service of the town has been approved by the appropriate planning and zoning board, the electrical distribution system will be installed underground at the written request of the developer provided:

(1) The developer shall provide the town with the easements necessary for the most efficient installation of the required distribution system;

(2) The developer's written request shall specify single-phase or 3-phase voltage requirements and load data for each service point; and

(3) The developer shall pay in advance of construction the differential cost between overhead and underground for the entire installation as determined by the town.

(Prior Code, A § 24.6.3)

(L) *Industrial.* Underground electric service to an industrial site or building will be the differential cost between an underground and overhead distribution as determined by the town.

(1) These charges are payable in advance of construction.

(Prior Code, A § 24.7.1)

(2) The owner shall provide the town with the easements necessary for most efficient installation of the required distribution system.

(Prior Code, A § 24.7.2)

(M) *Temporary services.* Where available from existing overhead or underground electric facilities, temporary service for construction purposes will be provided in underground areas.

(1) There will be no additional underground electric service charge for temporary services.
(Prior Code, A § 24.8.1)

(2) Where temporary service is requested prior to the installation of permanent underground electrical facilities or in a location not serviceable by these facilities the applicant shall pay prior to installation the cost of labor to construct and remove a temporary line and any non-salvageable material from the line as determined by the town.
(Prior Code, A § 24.8.2)

(N) *Changing overhead to underground service.*

(1) Where an owner of residential or commercial property requests that an existing overhead service be changed to underground, and the owner makes electrical system additions that will require an increase in the town's service conductor size, underground charges will be those charges on a new service of the same type.
(Prior Code, A § 24.9.1)

(2) Where an owner of residential or commercial property requests that an existing overhead service be changed to underground, and no increase in the town's service conductors are required the owner shall prior to the change pay to the town the remaining full value of the existing overhead service plus the cost of removing the same (less salvage) and the cost of installation of the new underground service in accordance with estimate prepared by the town.
(Prior Code, A § 24.9.2)

§ 54.24 CONTRACTOR INSTALLATIONS.

(A) When the customer is required to install secondary voltage conduit (with pull tape), the installations shall be trenched to a depth of no less than 36 inches. The trench shall have marking tape installed 12 inches above the conduit. A separation of 12 inches is required between the town's facilities and any other utilities facilities. The installation shall be coordinated with the Electric Division. On all roadway crossings, the conduit will be installed no less than 36 inches below final ditch grade. All conduits will be "blown out" to remove any debris and capped after installation.

(B) When the customer is required to install 3-inch primary voltage conduit (with pull tape), the installations shall be trenched to a depth of no less than 48 inches and no greater the 48 inches from final ditch grade. A trench shall have marking tape installed 12 inches above conduit. A separation of 12 inches is required between the town's facilities and any other utilities facilities. The installation shall be coordinated with the Electric Division. On all roadway crossings, the conduit will be installed no less than 36 inches below final ditch grade. All conduits will be "blown out" to remove any debris and capped after installation.

(C) All customer installations listed in these policies will be inspected by the Electric Division before the trench is backfilled or the installation is completed. The customer will be required to

reconstruct any portion of the installation which deviates from the town engineering standards or the approved underground system design.

(D) The town will make, or adjust, charges to the owner to collect the actual additional costs to the town due to adverse conditions, such as: the composition of the land where the underground facilities are to be installed is such that standard construction equipment cannot be used to complete the installation; or, special equipment materials are needed for stream crossing structures or concrete structures; or, dynamite is required or if abrupt changes in final grade levels exceed a slope ratio of one when measured within 3 feet of the trench.

(E) The developer will be required to mark all proposed property corners and grade all proposed installation areas to within 6 inches of final grade before installation of conduit or conductors is to begin. In the event the underground electrical distribution system installation is completed and the developer has regraded to a level in which the town's equipment does not meet town engineering standards, the developer will be required to reconstruct the facilities.

(F) In the event that the town's facilities are requested to be relocated, the developer or customer making the request will be required to pay for the entire cost for relocation.

(G) (1) Services to individual residential dwellings or lots will be in accordance with the underground electric service for single phase residential and commercial customers.

(2) Single phase residential and commercial customers requesting electric service for structures in such subdivisions must be served underground in accordance with the underground electric service for single phase residential and commercial customers regulations.

(H) For service to multi-dwelling structures, the developer will be required to furnish and install a multi-gang meter facility on one common side of the structure as approved by the town. Each meter base shall be permanently marked and maintained as to the customer address it feeds prior to being energized.

CUSTOMER SERVICE POLICY

§ 54.35 INTENT.

The intent of this policy is to provide uniform procedures, rates and charges for electric service, cut-ons, cut-offs, and appliance service.
(Prior Code, B § 1.0)

§ 54.36 RESIDENTIAL CUSTOMER DEPOSITS.

(A) Residential customers moving into their own permanent type homes and/or residential customers moving into owner occupied mobile homes located on land owned by the occupant will not be required to provide an initial deposit at the time of application for service, except where town records indicate the applicant's utility bill payment history at any previous residence on the town's system was determined to be "not good", as defined in § 54.39 below.

(B) Where prior history indicates pay history "not good", the initial deposit required shall be as stated for rented dwellings.
(Prior Code, B § 2.1)

(C) Residential customers moving into rented dwellings (either house, apartment or mobile home) shall pay an initial deposit at time of application for service in accordance with the town's adopted schedule.
(Prior Code, B § 2.1.2)

(D) A residential customer with a "good" pay history on the town's system for the prior 24-month period, in a rented dwelling or otherwise, will not be required to provide an initial deposit.
(Prior Code, B § 2.1.3)

§ 54.37 COMMERCIAL CUSTOMER DEPOSITS.

(A) Commercial customers shall at the time of application for initial service pay a deposit equal to 2 months' average bill as estimated by the town.

(B) After 6 billing periods following initial deposit, the customer's usage and billing will be reviewed and:

(1) Additional deposit may be required; or

(2) A partial refund may be made to correct deposit to 2 months' average billing.
(Prior Code, B § 2.2.1)

§ 54.38 INDUSTRIAL CUSTOMER DEPOSITS.

Industrial customers, manufacturers or processors shall at the time of application for initial service pay a deposit as specified for commercial customers, except that when the town can verify from evidence provided that the customer's general credit rating is high enough to warrant waiver of deposits.
(Prior Code, B § 2.3.1)

§ 54.39 CREDIT HISTORY.

(A) The town will maintain a confidential credit history on all customers based on payment of utility bills.

(B) A customer's credit history shall be classified "good" unless the customer has appeared on the cut-off list, though not necessarily cut-off, twice during any preceding 12 month period.

(C) If the customer has appeared twice on the cut-off list during any preceding 12 month period, a credit history of "not good" shall be recorded.

(D) The cut-off list will be prepared each month by the town from customers who fail to pay utility accounts by the final payment date or within 5 days of the second notice.

(Prior Code, B § 2.4.1)

§ 54.40 DEPOSITS AND SERVICE DISCONNECT

(A) Notwithstanding the initial deposits specified in §§ 54.36 through 54.38 above, any customer; residential, commercial, or industrial, whose payment history becomes "not good" shall pay the deposit as required to protect the town from loss of revenue.

(B) Any customer who fails to make deposits so required within 10 days of written notice, shall be subject to disconnection of service until the deposit has been made.

(Prior Code, B § 2.5.1)

§ 54.41 UTILITY LETTER OF CREDIT.

(A) Where a new residential customer moving into a rental facility applies for service (house, apartment, mobile home) the customer must pay the applicable meter deposit.

(B) Meter deposit shall be held by the town until all bills are paid or can be applied toward the final bill.

(Prior Code, B § 2.6) (Am. Ord. passed 6-19-1989)

§ 54.42 ACCEPTANCE AND FINANCIAL RESPONSIBILITY FOR UTILITY BILLS.

Where an electric customer of the town has a good pay history with the town for at least 2 years and desires to accept financial responsibility for utility bills of a new customer, the deposit requirement of the new customer will be waived subject to the proper execution of the town's "Acceptance of Financial Responsibility for Utility Bills" form.

(Prior Code, B § 2.7.1)

§ 54.43 SERVICE FEES.

(A) (1) Service fees shall be charged to customers requesting or requiring special services, so that these costs will not be included in basic rates for electric service.

(2) Periodic adjustments will be made by the town to reflect increased or decreased cost of providing specific services.

(Prior Code, B § 3.1)

(B) Service charges to restore electric service, where trouble is found in customer's system, shall be based on actual labor costs but not less than the following:

(1) Weekdays 8:00 a.m. to 5:00 p.m.: see current fee schedule.

(2) Nights, holidays, and weekends: see current fee schedule.

(Prior Code, B § 3.2)

(C) Except in emergency or unusual circumstances, as determined by the Dispatcher, no cut-on of new accounts or restoring of delinquent accounts will be made after 11:00 p.m.

(Prior Code, B § 3.3)

§ 54.44 TERMINATION OF SERVICE.

(A) *Requested discontinuance of service.* When a customer desires to discontinue service, 48 hours advance notice must be given to the town. If the request falls on Friday, the service will be discontinued the next business day.

(1) The customer will be responsible for all usage until the service is discontinued by the town.

(2) Upon discontinuance of service and payment of final bill any customer deposits held will be refunded, in accordance with the town's customer deposit policy.

(Prior Code, B § 4.1)

(B) *Involuntary discontinuance of service.*

(1) In addition to those reasons specified in § 54.16 of this chapter, the town may discontinue electric service for 1 or more of the following reasons.

(Prior Code, B § 4.2)

(a) Failure of a customer to pay bills for electric service within the time provided in § 54.45.

(Prior Code, B § 4.2.1)

(b) Failure of a customer to make a deposit to guarantee payment of charges for electric service, or to increase deposit when required in accordance with § 54.36.
(Prior Code, B § 4.2.2)

(2) When it becomes necessary for the town to discontinue electric service for any of the reasons listed in division (B)(1) above, service will be reinstated only after payment of:

(a) All bills for service then due;

(b) Any deposit required by § 54.36; and

(c) The reconnection fee in effect at the time of discontinuance of service.

(Prior Code, B § 4.3)

(3) If a customer is receiving service at more than 1 location, service at any or all locations may be discontinued if bills for service at any 1 or more locations are not paid within the time specified by § 54.45, provided however that residential services shall not be discontinued for non-payment of bills for other classes of service.

(Prior Code, B § 4.4)

(C) *Customer rights prior to discontinuance of service.* It is the policy of the town to discontinue electric service to customers by reason of non-payment of bill only after notice and a meaningful opportunity to be heard on disputed bills.

(Prior Code, B § 4.5.1)

(1) If any customer disputes the accuracy of his or her bill, they have a right to a hearing at which they may be represented in person or by any other person of their choosing and may present, orally or in writing, their complaint and contentions.

(Prior Code, B § 4.5.2)

(2) Anyone desiring a hearing may contact the Customer Service Supervisor at the Town Hall:

30 Park Square,
Granite Falls, North Carolina
Telephone # 828-396-3131

(3) Hearings are held between 8:00 a.m. and 5:00 p.m., Monday through Friday.

(4) The Customer Service Supervisor has authority to make a final determination on complaints and the authority to order that service not be discontinued.

(Prior Code, B § 4.5.3)

§ 54.45 PAYMENT REQUIRED FOR UTILITY SERVICE.

(A) All bills are due and payable upon receipt.

(B) Final payment dates shall be shown on bills rendered.
(Prior Code, B § 5.1)

(C) If any bill is not paid within 20 days of the billing date, a second notice bill will be mailed stating that service will be terminated unless bill is paid by a specified date.
(Prior Code, B § 5.2)

(D) Any customer disputing the correctness of his or her bill shall have a right to a hearing as stated in § 54.44(C).
(Prior Code, B § 5.3)

(E) Request for delays or waiver of payment will not be entertained.

(F) Only questions of proper and correct billing will be considered.
(Prior Code, B § 5.4)

§ 54.46 METER TAMPERING.

Tampering with electric meters is prohibited by G.S. § 14-159.1 as follows:

(A) It shall be unlawful for any unauthorized person to alter, tamper with or bypass a meter which has been installed for the purpose of measuring the use of electricity or water or knowingly to use electricity or water passing through any tampered meter or use electricity or water supplier for the purpose of measuring and registering the quantity of electricity or water consumed.

(B) Any meter or service entrance facility found to have been altered, tampered with, or bypassed in a manner that would cause the meter to inaccurately measure and register the electricity or water consumed or which would cause the electricity or water to be diverted from the recording apparatus of the meter shall be prima facie evidence of intent to violate and of the violation of this chapter by the person in whose name the meter is installed, or the person or persons so using or receiving the benefits of the unmetered, unregistered or diverted electricity or water.

(C) Nothing in this act shall be construed to apply to licensed contractors while performing usual and ordinary services in accordance with recognized customs and standards.
(Prior Code, B § 6.1) Penalty, see § 54.99

§ 54.47 BAD CHECKS.

(A) When, for any reason, a customer's check is returned by the bank on which the check is drawn, because the bank will not pay or honor the check, the customer will be notified by mail that his or her check was not honored and that service will be terminated on a specified date unless the check is made good.

(B) On the first 2 occasions when a check is returned, the customer will be given 5 days in which to make the check good.

(C) After more than 2 bad checks for the same billing account have been received within the previous 12 months, notification will be given that service will be terminated in 5 days and the bad check will be turned over to the proper authorities.

(Prior Code, B § 7.1)

(D) When a customer has a bad check returned, a service charge will apply, in accordance with the current fee schedule, in addition to any other charges and fees.

(Prior Code, B § 7.2)

(E) The town reserves the right to require a customer to pay utility bills in cash only when more than 3 bad checks have been received during the previous 12-month period.

(Prior Code, B § 7.3)

(F) The town reserves the right to require a deposit equal to 2 months of a customer's estimated highest utility bills, when more than 3 bad checks are received in the previous 12-month period.

(Prior Code, B § 7.4)

§ 54.48 UTILITY LOCATING.

The town is a member of the North Carolina ONECALL system. We locate all town utilities after a notice has been sent to the NCOC service at 1-800-632-4949. The locator service is normally completed with 48 hours of the notification to the NCOC.

§ 54.99 PENALTIES.

(A) Any person violating any of the provisions of § 54.46 shall be fined, imprisoned, or both fined and imprisoned, in accordance with state statute.

(B) Whoever is found in a civil action to have violated any provision of § 54.46 shall be liable to the electric or water supplier in triple the amount of losses and damages sustained or \$500, whichever is greater.

(Prior Code, B § 6.1)

(C) The minimum penalty for meter tampering shall be in accordance with the North Carolina state statutes.

(Prior Code, B § 6.2)